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COMMONWEAL

A Review of Religion, Politics, and Culture

November 17, 2000

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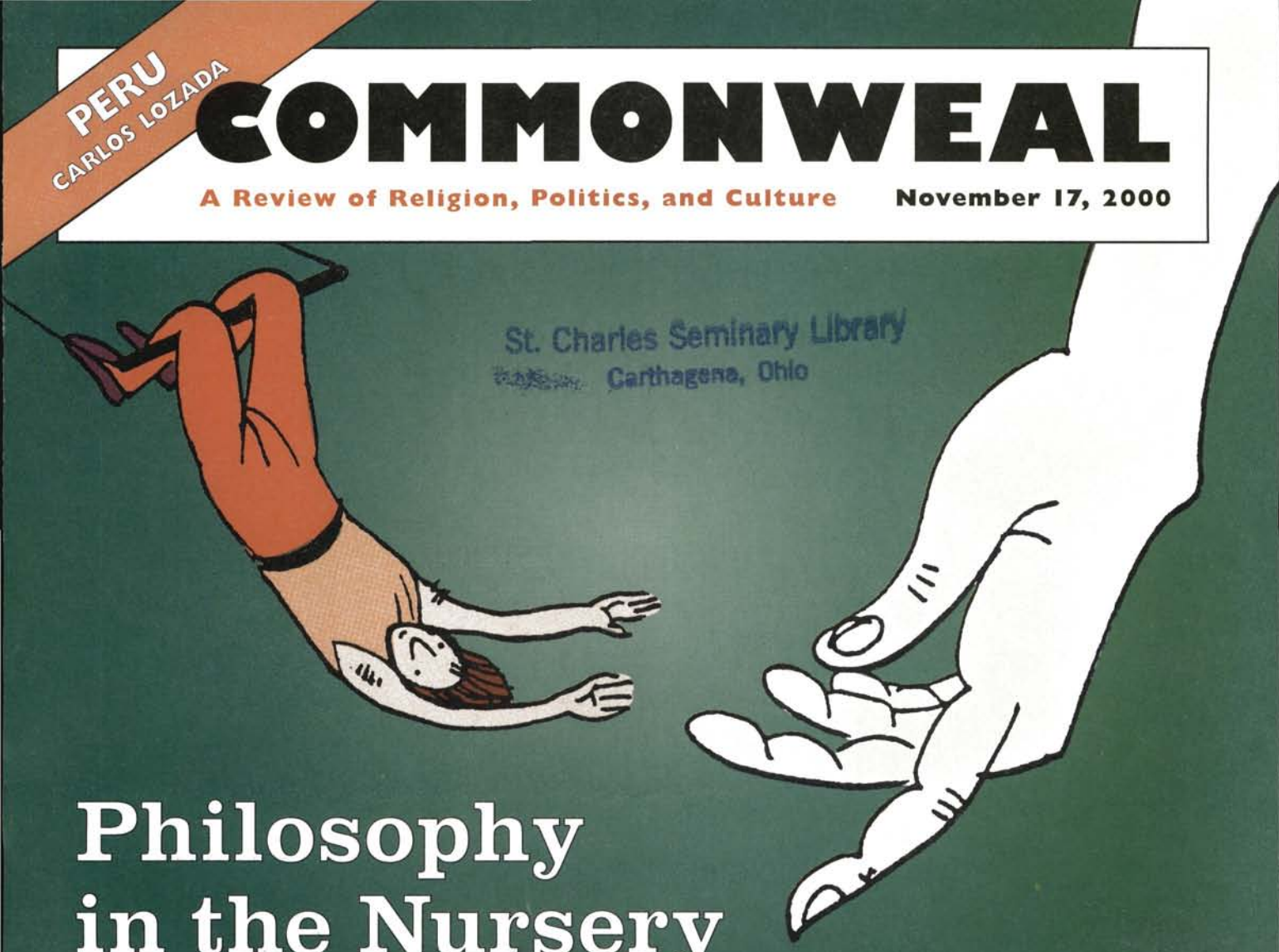

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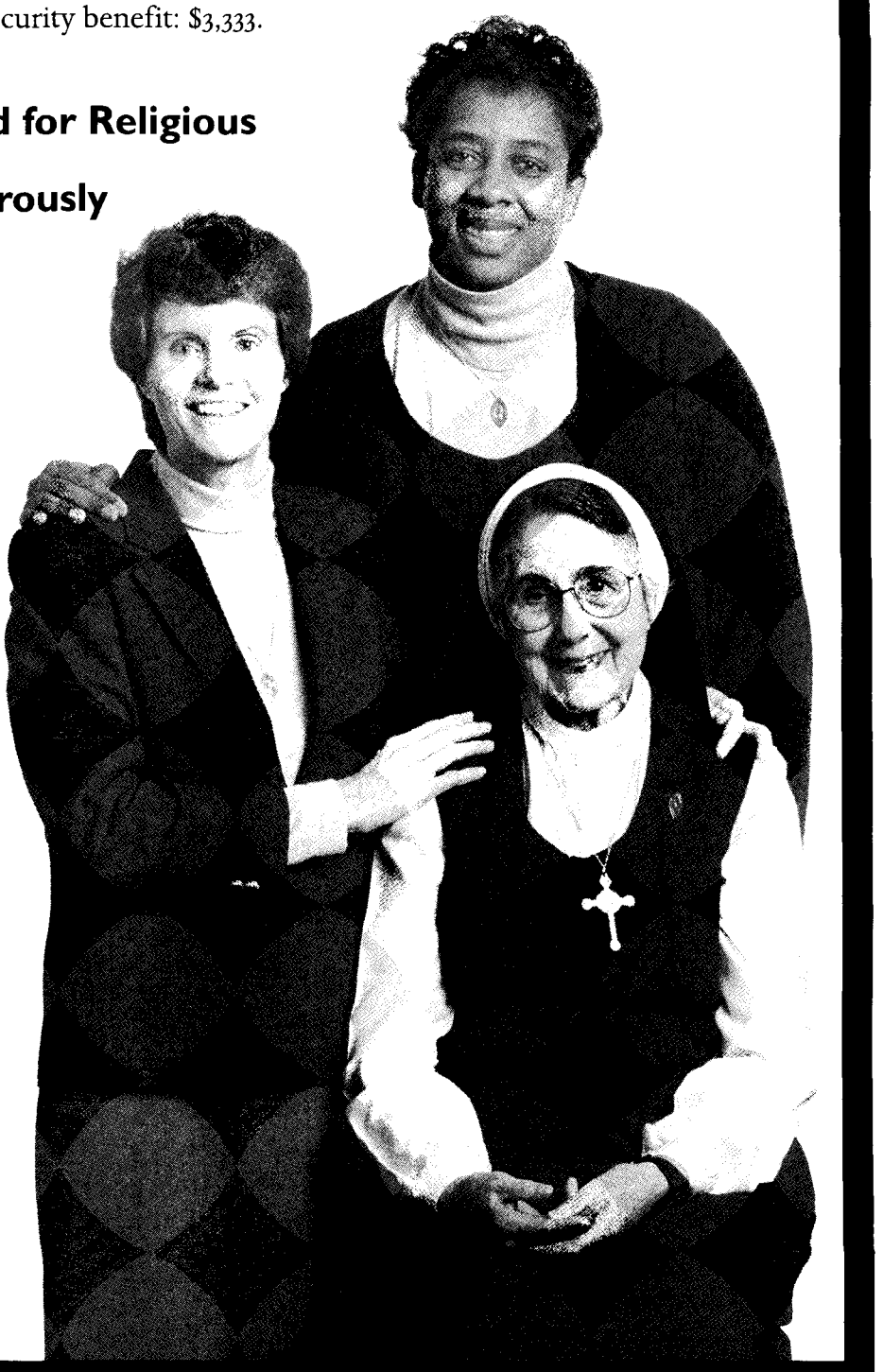

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COMMONWEAL

November 17, 2000 / Volume CXXVII, Number 20

UPFRONT

Correspondence *'Homosexual Agenda' & Dominus Iesus* 4

Editorial *Hot water* 5

Et cetera *In need of clarification* 6

Notebook *Go in peace*
Patrick Jordan 6

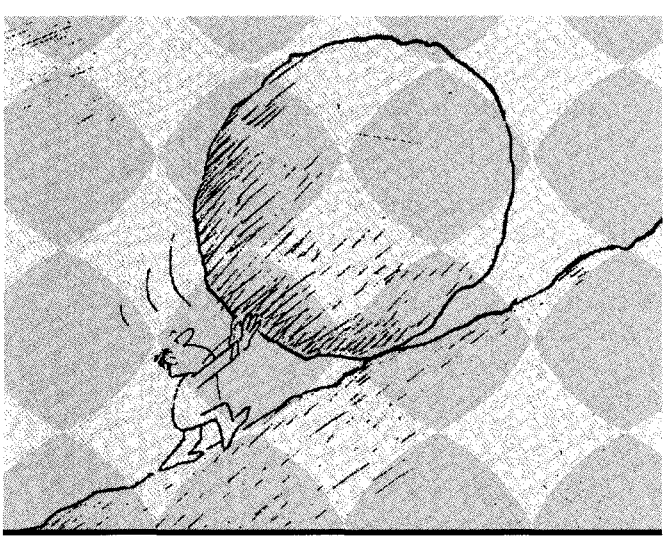
COLUMNISTS

Human rights & religion
Sidney Callahan 8

Strange allies
William Pfaff 9

SHORT TAKE

Peru's dilemma
Carlos Lozada
Having ceded significant power to the nation's president, Peruvians are now having second thoughts. 10



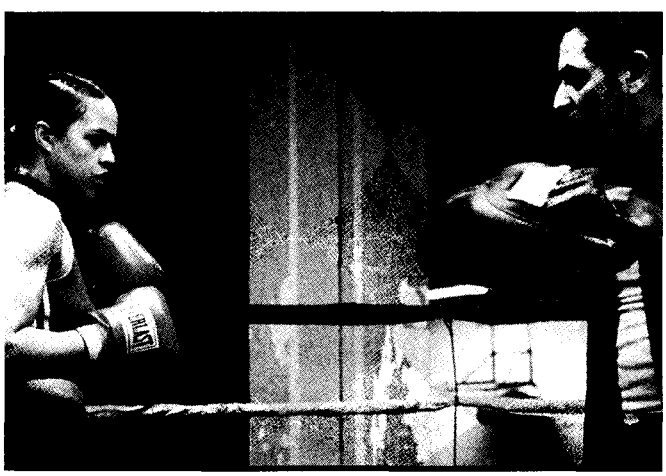
ARTICLE

A CASE FOR DOCTRINAL DEVELOPMENT
John T. McGreevy
John T. Noonan: The evolution of one of America's most distinguished Catholic intellectuals 12

VERDICTS

SCREEN

Girlfight
The Contender
Rand Richards Cooper 18



Pucker up

MUSIC

Nearly good as Gould
Benjamin Ivry
Murray Perahia records the 'Goldberg Variations.' 20

MEDIA

Poetry.com
Celia Wren
Verse on the Internet 21

BOOKS

Big questions for small readers
Daria Donnelly
Children's books 23

A Catholic Modernity?
by Charles Taylor
Robert Burns 27

THE LAST WORD

'There will be a second collection'
John Christie 31

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To the Editors

Ears still ringing

I experienced your recent editorial, "The Homosexual Agenda" (October 6), as an unexpected blow to the head. My ears are still ringing.

Your words left me in shock. Could you really doubt the goodness, dignity, and constructive value of gay relationships, social connections that should be strengthened in the public square, nurtured with the acts of recognition?

Your editorial seemed overly fearful, somber, and sad. In response, I pray for braver hearts and an end to the nervous buzzing in my ears.

JOHN SHEKLETON
Minneapolis, Minn.

Nothing to fear

Commonweal's editorial on the homosexual agenda supplied no empirical evidence for why reasonable people can oppose same-sex civil unions. Instead, the editorial relied heavily on the appeal to fear of the unknown. Referring to same-sex unions as "social experimentation on an unprecedented scale" exaggerates the case. In fact, what is happening in Vermont is a social experiment on a small scale, and it would be interesting to see its results before making a judgment on it.

Is this experimentation dangerous? Lesbian and gay couples have been heading families for a long time. Why not examine research studies about families headed by same-sex couples to see if problems exist?

Speculation about possible social danger from same-sex unions only augments fear, particularly when heterosexual unions are described as "deeply congruent with the human ability to survive and flourish." How is homosexuality a threat to the species when by most accounts only 10 percent of the population have a same-sex orientation?

Heterosexual marriage is an institution subject to a fair amount of social threats, but it is puzzling to understand how legalizing same-sex unions is one of them. People who are heterosexually oriented will surely not see the latter as an attractive option for themselves.

Catholic teaching does not support the notion of same-sex unions because of the magisterium's stand on the sanctity of marriage and the place of procreation in marriage. Yet we do not use this teaching to oppose civil laws that allow divorce or birth control. Why don't same-sex unions fit into the same category? Is it a difference of moral gravity or a distaste about homosexuality?

FRANCIS DeBERNARDO
Mount Rainier, Md.

The writer is executive director of New Ways Ministry.

What is at stake

In good *Commonweal* fashion, your October 20 issue presented three sharply diverse theological responses to *Dominus Iesus*, the recent declaration of the Congregation for the Doctrine of the Faith—one from a non-Catholic Christian (Martin Marty), and two from Catholics presumably intended to represent, respectively, the "traditional" (Robert Imbelli) and "progressive" (Philip Kennedy) mindsets of contemporary Catholicism. For once, I find your "all sides of the question" format, which generally proves so stimulating of intelligent conversation, questionable, for it threatens to reduce the Vatican statement to a matter of debate, when in fact it is a two-edged sword that cuts through debate and requires confession. What is at stake in *Dominus Iesus* is core identity.

Of your respondents, only Imbelli grasps this clearly and interprets the statement accordingly. Consequently, his response, written from an unblinking awareness of the disarray within contemporary Catholic theology that constitutes the precise occasion of *Dominus Iesus*, is the only one of the three that represents accurately both the intent and content of the declaration, which is centered first and foremost on the person and work of Christ and only consequently, as an extension of Christ, on the church. Marty, whose ecumenical bristling is understandable given the inner-Catholic directedness of the statement (though I wonder how else he thinks the ecclesiological point could have been made to those Catholic addressees), is nonetheless so exercised by it as to remain completely oblivious to its primary, Christological thrust, as detailed forcefully by Imbelli. For his part, Kennedy first indulges in overkill on the historical significance of *Lumen gentium* 16 and ends by offering the kind of muddled contemporary interpretation of Christ and his relation to the mystery of God that virtually demonstrates why *Dominus Iesus* was issued in the first place.

Given the anti-authoritarian temper of our time and the checkered history of the present pontificate, the great temptation will be to dismiss *Dominus Iesus* as yet another instance of Vatican intransigence, and thereby ignore its challenge to confess our faith in and loyalty to the person of Christ and clarify our commitment to the Catholic church. Temptation, however, is not synonymous with viable option.

DENNIS FERRARA
Washington, D.C.

Vatican arrogance

Thanks for the viewpoints on *Dominus Iesus*. Taken together, they certainly confirm reader response theory to the max, and nicely defuse the arrogance of this document with its insistence on a single source of authority.

This document stands in sharp con-

(Continued on page 29)

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Hot water

Of the 118 dead sailors aboard Russia's *Kursk* submarine, 12 have finally been brought to the surface. On the body of one was an officer's report that 23 sailors survived the initial accident. The *Kursk* disaster appalled the world; more horrifying is the news that so many men could have been saved. More horrifying still is the long-term security and environmental threat posed by the entire Russian Northern Fleet in which *Kursk* was an elite sub. The fleet includes 100 decommissioned vessels, each bearing weapons-usable nuclear materials and radioactive nuclear reactors. Thirty are crumbling into the sea.

The state of its nuclear fleet is but one aspect of Russia's larger nuclear-waste problem. Economic collapse in the wake of the Soviet Union's demise has left Russia with a total budget smaller than New York City's, including a defense budget of $4.5 billion (the U.S. military has $268 billion). Yet Russia remains the world's second most potent nuclear power. It cannot maintain its immense nuclear arsenal, or assure the safety of those who work with or live near such weapons. The international community has a keen self-interest in helping the cleanup before we are confronted with many more tragedies even worse than the *Kursk*.

Work has already begun. Former Soviet President Mikhail Gorbachev is using the example of the deteriorating nuclear subs to rally global assistance through Green Cross International, the environmental organization he now heads. The cost of cleaning up the Northern Fleet is upwards of $2 billion. Europe, remembering Chernobyl, along with Japan, which shares Russia's waters, are alarmed by the potential for environmental catastrophe. Japan has donated funds to Green Cross and Britain has announced an £80-million aid package to eliminate naval nuclear waste: "Nuclear hazards," observes British Foreign Secretary Robin Cook, "do not recognize international boundaries."

In the United States, Senator Richard Lugar (R-Ind.) is lobbying for more U.S. assistance. Since 1991, the Nunn-Lugar Act has provided material aid and expertise to help states of the former Soviet Union destroy five thousand nuclear warheads, close nuclear test sites, and transfer uranium to safe storage. (The program has already eliminated all nuclear weapons in Ukraine, Belarus, and Kazakhstan.) The scope of the naval cleanup has been limited: twelve submarines carrying strategic nuclear weapons have been dismantled, with twenty-two more slated for destruction. Senator Lugar now wants to expand funding to eliminate not only submarines with weapons that can hit U.S. cities, but those of the decaying Northern Fleet as well. Lugar argues that attempts to sell nuclear materials and technological innovations on the clandestine market, coupled with weak Russian policing, make these decommissioned subs a serious threat to U.S. security.

Although it is unrealistic to expect that the Non-Proliferation Treaty could be amended to include nuclear submarines, the United States and Russia should agree to curb the spread of such weapons systems. The *Kursk* joins seven other nuclear subs on the ocean floor: four Russian, two American, and one French; at least two have leaked plutonium. Adding to the complexity of this issue is the fact that other countries are acquiring nuclear subs: Brazil is developing its first nu-

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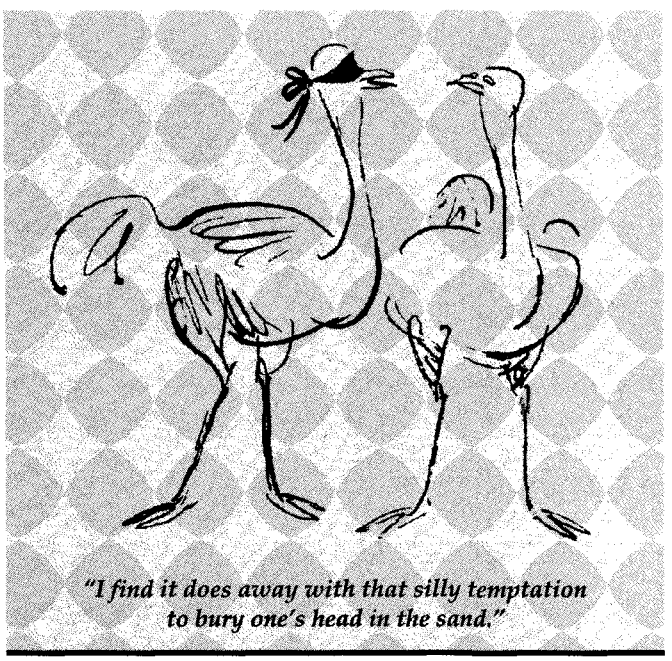
clear attack submarine; Pakistan is trying to buy subs that can be fitted with nuclear weapons; with Russia's assistance, India is developing a submarine reactor; and Russia is aiding China in expanding its small nuclear fleet. Can any of these countries support the significant long-term perils of nuclear submarines: the huge and ongoing costs of managing spent fuel, eliminating radioactive waste, disposing of reactor components? Do they have the will? Do they even have the democratic civic structures and citizens' groups that will demand caution and constraints?

Lugar's proposal for expanded aid to Russia is far-sighted and necessary; however, no one is suggesting that Russia be given a blank check. By omission and commission, Russia has been spreading nuclear-sub technology. Official misinformation, delay, and bungling over the *Kursk* demonstrated, as the whole world watched, how desperately Russia needs institutions that will hold its leaders accountable. (The courts have vigorously prosecuted a navy officer, Alexander Nikitin, who first exposed the problems of the Northern Fleet. Nikitin was cleared only in September of charges of espionage and treason after a five-year judicial ordeal.) The United States can help by making sure that Russia adheres to agreed-upon cleanup schedules, and guarantees full access for international monitors at U.S.-funded cleanup sites.

A great irony of the *Kursk* disaster is that it came at a time when Russian President Vladimir Putin was making small steps toward achieving a rational reduction of Russia's enormous, collapsing military. Reform, of course, is an affair of increments. However, in a nuclear age, prolonged waiting is a dangerous luxury. Senator Lugar rightly argues for immediate U.S. action. "History has given us the window of opportunity to destroy these weapons and it behooves us to be as creative as possible, working in a bipartisan way, to get the job done. Russia doesn't have the money to do this. It is not going to happen without us."



"I find it does away with that silly temptation to bury one's head in the sand."

ET CETERA

In need of clarification ■ The recent Vatican document *Dominus Iesus*, released on September 5, has whipped up a storm of controversy that has not yet subsided (see "Rome & Relativism," *Commonweal*, October 20). Although the text reaffirms Catholicism's belief in the uniqueness and completeness of God's revelation in Jesus Christ, its approach to other religions and its judgment of certain other churches as "gravely deficient" have raised concerns over its tone and content. Interpretation has varied greatly, even at the top.

- On October 1, the pope had this to say at a Mass to honor the Chinese martyrs: "With the declaration...approved by me in a special way at the height of the jubilee year, I wanted to invite all Christians to renew their fidelity to him in the joy of faith....Our confession of Christ as the only Son...is not arrogance that disdains other religions."
- In a September 22 public debate with philosopher Paolo Flores d'Arcais, Cardinal Joseph Ratzinger, prefect of the Congregation for the Doctrine of the Faith whose office issued *Dominus Iesus*, said that "Jews are connected with God in a special way and that God does not allow that bond to fail...the fact remains, however, that our Christian conviction is that Christ is also the messiah of Israel. Certainly it is in the hands of God how and when the unification of Jews and Christians into the people of God will take place."
- In a book published on October 10 in Germany, *God and the World*, which has an extensive interview with journalist Peter Seewald, Ratzinger continues on the topic: "It's true, we're waiting for the moment when Israel will say yes to Christ."

NOTEBOOK

GO IN PEACE

Remembering Eileen Egan

Eileen Egan, the irenic, indomitable Catholic pacifist who first coined the term "seamless garment" to describe the unity of Catholic teaching on "life" issues, died in New York on October 7. She was eighty-eight.

A modest, unassuming woman, often photographed wearing a scarf and glasses at the side of Mother Teresa or Dorothy Day, she was small of body but brilliant of mind. Gerard Manley Hopkins wrote, "the just man justices." Egan, the peaceful woman, "peacified." She spent a lifetime actively serving the victims of war and promoting alternatives to armed conflict.

Born in Wales, she moved with her family to New York in 1926. A graduate of Hunter College, she was drawn to the Catholic Worker movement in the early 1940s. But Dorothy Day felt that Egan's vocation lay elsewhere, and Egan began a career as a freelance journalist. In 1943 she joined the staff of the U.S. bishops' War Relief Services (later known as Catholic Relief Services, or CRS). Her first assignment was in

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Mexico, where she worked with displaced Polish war refugees. The following year she was posted to Barcelona, where she ministered to victims of the Holocaust. She then headed the CRS office in Lisbon. Back in New York briefly in 1945, she was out of the office the July day a B-45 crashed into CRS headquarters on the seventy-ninth floor of the Empire State Building. Ten fellow staff members were killed. The following year, Egan was back in Europe helping to resettle waves of displaced persons. She later received the highest honor awarded civilians by both the French and German governments.

In the course of her work, Egan visited Palestinian refugees in Gaza, Chinese exiles in Hong Kong, and displaced civilians in Pakistan, Korea, and Vietnam. Her vivid account of these adventures is chronicled in *For Whom There Is No Room* (Paulist, 1995). In 1955 she met Mother Teresa in Calcutta. The two became lifelong friends and collaborators, Egan helping to introduce the latter's work in the West. *Commonweal* called her 1985 biography of Mother Teresa, *Such a Vision of the Street* (Doubleday), "luminous and exhaustive."

Egan combined CRS's practical work of providing economic assistance, food, housing, and transportation to war victims with speaking, writing, and demonstrating against the causes of war. In 1962 she co-founded the American Pax Society, which under her leadership evolved into Pax Christi USA in 1972. She marched with Martin Luther King Jr. at Selma, had a major, behind-the-scenes hand in framing the "peace" statements of Vatican II, and promoted the work of Jean and Hildegard Goss-Mayr, crucial to the peaceful ouster of Ferdinand Marcos in the Philippines. One of her major achievements was the 1987 UN recognition of conscientious objection as a universal human right. She traveled widely with Dorothy Day, introduced her to Mother Teresa in 1970, and was with Day picketing for farm workers in California in 1973 when Day was arrested for the final time.

As a writer, Egan wove a tight and sometimes lengthy cloth; she could be dogged in fending off editors' suggestions. One wise editor of the *Catholic Worker*, having failed to persuade Egan to shorten a piece, came up with a Solomonic decision: cut the piece in half and run it in successive issues. Egan was pleased.

Egan did not care for the term pacifist because of its misleading echo in the word passivity. "I use the term gospel nonviolence, or gospel peacemaking," she said. Jean Charlot captured her serene and absolute resolve in his 1965 drawing for Sheed & Ward's *Trumpet*, reprinted here. In her last book, *Peace Be with You* (Orbis, 1999), Egan argued vigorously that the so-called just-war concept is an alien graft on the gospel of Jesus. She was disappointed with the flattering review she received in *Commonweal* (April 21, 2000), expecting a more argumentative critique from proponents of the just-war tradition.

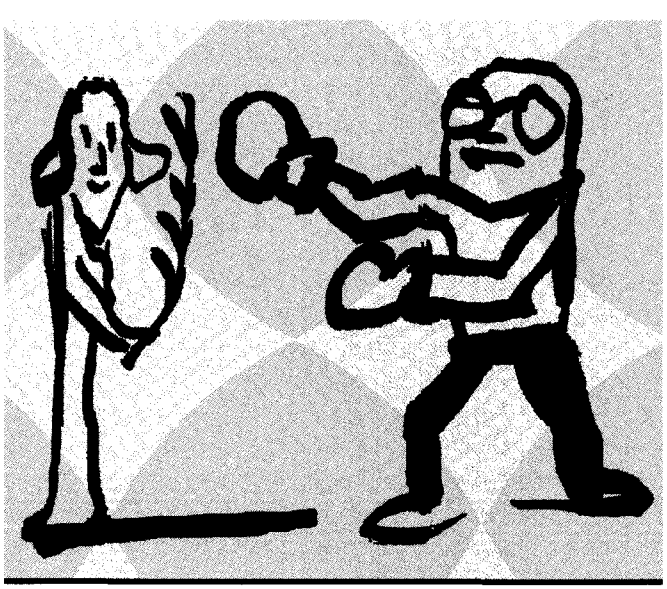
In 1992, at the age of seventy-nine, Egan was mugged on the way to Mass and landed in a New York hospital with a broken hip and several fractured ribs. Michael T. Kaufman wrote an inspiring piece (*New York Times*, January 23, 1993) on Egan's response to her attacker: one of care and forgiveness. Several years later my wife and I ran into the Catholic chaplain for the upstate prison where Egan's assailant was serving time. Unasked, the chaplain told the story of picking up the phone one night to find Egan on the other end. She was calling to be certain the chaplain was doing all in his power for the prisoner.

This issue of Commonweal went to press on election day. Election commentary will appear in our December 1 issue.

In her later years, Egan was a confidant of a number of younger friends and family members. Although she never married or had children, she had a ready ear for young people's difficulties, particularly as they related to work, marriage, family life, and the church. A disciplined, orthodox, almost ascetic Catholic, she nonetheless was never judgmental. She prayed not only for these young people's enlightenment, but, she said, for the church's.

In 1963, Egan and Day were in London and made a visit to Marx's grave at Highgate Cemetery. Egan reported that Day "prayed for Marx's wife Jenny, who lacked money to pay for a coffin for a dead child, and for his daughter Eleanor, who committed suicide." In December 1980, Egan stood at Day's open grave and added a handful of dirt as the body was lowered. Later I noticed her collecting earth from the gravesite, to cherish and share with others. Now she too has returned to the blessed earth. We are left to celebrate, and to emulate her remarkable life.

PATRICK JORDAN



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SIDNEY CALLAHAN

HUMAN RIGHTS & RELIGION

An argument with Michael Perry

Now that the campaign season is over, we can get down to serious arguments over the role of religion in American politics. Some sea change seems to have taken place—beyond the use of religious rhetoric to win votes. Dogmatic secularists sound more tentative as they reiterate the received faith that religious belief has no place in public policy debates. I even find myself newly convinced that people who are religious should raise their voices in the public square. Until lately I had been more or less brainwashed by the secular elite to feel that the faithful should keep their convictions to themselves. But why should secularists effectively establish the religion of no-religion, and declare off limits the deepest moral commitments of the faithful?

Yet some proponents of the validity of religious argument in public life go too far. At the moment I am engrossed in the books of legal scholar Michael J. Perry, a thinker I credit with helping me change my mind about the correctness of resolutely secular public discourse. I enthusiastically agree with most of Perry's positions in *The Idea of Human Rights* (Oxford University Press, 1998), but balk at his assertion that the idea of human rights is "ineliminably religious." Ineliminably? Perry is not claiming that those without a transcendent religious faith won't defend human rights in practice, or that they will be personally immoral. But he contends that those without faith will not possess an intellectual foundation sufficiently grounded to sustain a commitment to the inviolability of individual human lives. When push comes to shove, Perry argues, those without a transcendent religious belief in the benevolent meaning of the universe will wilt under utilitarian pressure and fail to justify and protect human rights as inalienable and inviolate. Only a commitment to sacred reality can maintain the sacredness of human life.

Perry makes his argument sound convincing by quoting reams of the rantings and ravings of Friedrich Nietzsche as he asserts the nonexistence of morality and the hypocrisy of religion. OK, so dogmatic atheists and nihilists could never defend the inviolable value of human life, since everything is meaningless. In a moral void, might *might* as well make right since only the triumph of the will exists.

But most secular unbelievers we know are not dogmatic atheists or nihilists. The elites that make up current intellectual establishments are agnostics, unconvinced that the Alpha and Omega sustains all being. A typical expression of skepticism, which I found recently in an issue of *Free Inquiry*, has Quentin Smith asserting that "the most reasonable belief is that we came from nothing, by nothing, and for nothing."

This may sound like a case of invincible nihilism. But note that Smith bases his doubt on an affirmation of reason, as in "reasonable belief." I would contend that any skeptic who affirms the reality and meaningful authority of reason can defend the moral reality that undergirds the existence of human rights.

Suppose I had been born on a huge ship that had been sailing for billions of years on an endless sea. I might doubt those who told me why and where our voyage had originated and where it was destined to go. But I could not deny the accumulated historical record of the passengers' life on board. Human beings possess self-consciousness, powers of reasoning, innate emotion, and loving attachments. Unimpaired adults regularly give allegiance to internalized moral standards of worth, known as conscience. Human beings create families, religions, art, science, politics, ethics, and literature. Yes, evil exists, as in the many instances of violence, slavery, deceit, torture, cruelty, and selfish exploitation among the passengers. But these manifestations of evil never prevail on the ship. And those passengers most universally admired as wise and good always condemn evil and proclaim the intrinsic values of compassion, justice, and equality. Does not reason have to acknowledge the existence of moral truths as a central reality informing the human story?

Discussions of moral truths, with a small *t*, can be carried on with skeptical agnostics who live this side of Nietzscheland. Almost all scientists, thank God, are unpolluted by postmodern excesses and remain card-carrying members of the party of critical reason. Even if it is getting near the remains of the day, we can still count on the Enlightenment's commitment to reason. Agnostics and secular humanists can be allies in maintaining the barricades against barbarism. Think of the UN's Universal Declaration of Human Rights.

I could also cite the cloud of witnesses who affirm the reality of human rights although going to the grave as unbelievers. (I think of George Orwell, whose biography I have been reading.) In some cases, those who doubt the existence of God have put all their eggs in humanity's basket, and rationally endorse the sacredness of human rights with more fervor than the faithful. If, by chance, you are now beginning to feel doubts about whether the powers of reason can knock out the forces of nihilism, turn again to John Paul II's *Fides et ratio*. The pope vigorously defends human reason as a gift of our Good Creator and reiterates the optimistic Roman Catholic belief that faith and reason can never remain in contradiction.

So as we gird for future political struggles, let believers confidently carry their faith convictions on the sacredness of human life into the public arena. And as the faithful seek to persuade their fellow citizens, they can be unrelenting in relying on reasonable arguments. Remember, the Hound of Heaven pursues us and attracts us through the force of reason as well as love. □

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WILLIAM PFAFF

STRANGE ALLIES

Israel's Right & the Arabs

The Palestinians' *intifada* already has one success. It reportedly has forced Israel's government to plan a "unilateral separation" of the two peoples.

Separation is what the Palestinians have wanted, but they are unlikely to welcome it on the terms by which Israeli Prime Minister Ehud Barak's government is said to contemplate it. Israel's occupation of the West Bank, East Jerusalem, the Golan Heights, and Gaza has ruined Israel's relations with the Arabs for thirty years. It has been a poisonous and divisive influence in Israel's own political life. It was Israel's great mistake.

In 1967, at the end of the Six Day War, when a threatened Israel preemptively attacked and defeated Egypt, Syria, and Jordan, conquering what became the occupied territories, the Labor-government leadership wanted to exchange that territory for permanent peace with the Arabs. The Arab world was unwilling to listen. Palestinians and Israelis both have paid the price.

That decision made the Arabs, for practical purposes, allies of the Israeli Right, which until then had been a minority force in the country's politics.

David Ben Gurion, one of Israel's founders, foresaw what would happen. As Mitchell Cohen writes in his study of the ideological origins of modern Israel, *Zion and State* (Oxford University Press, 1987), Ben Gurion warned against "the consequences of Israeli annexation of areas with large Arab populations and counseled concessions and moderation on territorial questions."

Moderation, however, was about to be undermined by another war. The initial success of Egypt and Syria in their surprise attack on Israel in 1973—the Yom Kippur War—dealt a devastating blow to the Labor Party government. Afterward, Labor lost its domination of Israeli politics, opening the way to the rise of Likud and the premiership of Menachem Begin in 1977.

Serious colonization of the occupied territories began. Israel's religious expansionists, claiming all of the biblical Holy Land, and the secular Zionists, seeking a "greater Israel," declared Israel had the right to keep these lands by virtue of biblical prophecy and historical occupation before the Roman destruction of the second temple. International law said otherwise.

With colonization, Israelis deliberately entered into a hate-filled intimacy with the Palestinians. A hostile coexistence was imposed between the colonists, living behind army barricades, carrying weapons when they left their enclaves, and the increasingly embittered Palestinians, whose lands were taken for the settlements. After the Oslo accords, during the peace process now in quasi-terminal "suspension," Israeli governments believed they could negotiate continued possession of the colonies, or most of them.

Colonization continued. Since Oslo, according to Israeli sources, more than 78,000 additional colonists have gone to the territories, more than 11,000 houses have been built for them, and 895 Palestinian houses have been destroyed by the army. Under Prime Ministers Yitzhak Rabin, Benjamin Netanyahu, and Ehud Barak, a construction program was developed to keep the areas Israel expected to cede to the Palestinian Authority strategically separated from one another, and from the Jewish settlements that Israel expected to maintain.

With the new *intifada*, the Israelis have discovered that Ben Gurion was right. The colonies are a terrible liability. A deep sense of isolation and fear for the country's future has been generated during the last month. Even the Israeli Left, always against colonization and in favor of the peace process, now sees Israel mortally threatened. This fear is not entirely realistic, given Israel's American alliance. Or perhaps it is significant for just that reason.

A writer in the leading Hebrew-language daily *Haaretz* says, "We are again in a life-or-death struggle...we are backed against the sea." The remedy now planned, according to the press, is total separation. The Barak government reportedly has plans, if Yasser Arafat announces a Palestinian state, to close off the Palestinian territories, abandon the most exposed settlements, keep control of strategic routes and water sources, and annex to Israel the three groups of colonies closest to Jerusalem. Israel would become a fortress. The Palestinians allowed to enter Israel to work would be cut to a few hundred or none. The territories abandoned to the Palestinians would be kept under close surveillance, with military intervention whenever Israel seemed threatened.

It is hard to know whether this is a serious plan or a bluff. What happens to the Arabs inside Israel—who are citizens of that country? Why should the *intifada* not intensify inside or around the annexed regions? Would the Palestinians be expelled? A report in the popular daily *Yediot Aharonot* says the Israeli police would be put under military command and reinforced with specialized riot units. Harassment of military convoys, or fire on the regrouped settlements, would bring "massive retaliation" with "assault tanks and missiles."

To an outside observer, this does not sound like improvement. It sounds like a permanent and self-imposed siege. A unilateral solution exists, in theory, that might make peace. It is withdrawal to the 1967 borders. That would give victory to the Palestinians. Could anyone in Israel seriously contemplate that today? One wonders what Ben Gurion would advise. □

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Carlos Lozada

PERU'S DILEMMA

Giving Fujimori the upper hand

A triumphant President Alberto Fujimori takes the oath of office for a third term after fraudulently "winning" Peru's presidential contest...and a few weeks later announces that he will step down and hold a new election. Caught on videotape bribing a congressman and long accused of illegal activities and human-rights abuses, Peruvian intelligence chief Vladimiro Montesinos flees the country and seeks political asylum in Panama...but then returns to Peru. Trying to avert a military coup, Fujimori sacks the commanders of the army, air force, and navy...only to see a midranking officer stage a mini-mutiny and take hostages. The president personally leads a highly publicized manhunt for Montesinos...and turns up empty-handed. Indeed, the only thing certain about the political melodrama unfolding in Peru is that any news you read today will probably be found hopelessly outdated tomorrow.

How did we get here? It is tempting to place responsibility for this crisis squarely on Fujimori's shoulders. After all, the president's insatiable appetite for power has resulted in a weakening of the rule of law and of democratic institutions in Peru over the last decade. But all Peruvians—in particular the feckless political opposition—share some responsibility for the country's current turmoil. By relying solely on one man to solve the nation's economic and social problems, Peruvians in fact facilitated and encouraged Fujimori's authoritarian, uncompromising style of government—the very style we now so stridently condemn.

Fujimori's unlikely ascent to the presidency in 1990 had little to do with the candidate himself and everything to do with the failure of Peru's traditional political parties. After Peru returned to democracy in 1980, following twelve years of military rule, both the Right and the Left had a chance to govern. For five years, conservative leaders were in charge, but they fell victim to sectarian infighting and failed to recognize the growing terrorist threat in the Andean provinces. And the corruption-ridden tenure of socialist president Alan García (1985–90) resulted in the worst economic crisis in Peruvian history, while the Shining Path insurgency grew even more insidious and violent.

Against this backdrop, an opportunistic Fujimori emerged. He offered few concrete policies or programs; his lone promise was to stabilize the economy through "honesty, technology, and work." Peruvians voted for Fujimori out of a sense of desperation, with the rationale that anything would be better than what had come before. The gamble paid off. During his first term, Fujimori stunned the world by turning the economy around via a radical economic-reform package of fiscal austerity, trade and price liberalization, and privatization of state-owned businesses—a textbook IMF-style reform. Inflation subsided and economic growth, though erratic at first, eventually resumed.

But this success came at a high price. On April 5, 1992, tanks rolled through downtown Lima as Fujimori shut down the congress and the courts and began ruling via presidential decree. Military support was crucial to the success of this so-called *auto-golpe* (self-coup), revealing the uneasy alliances Fujimori had struck to remain in power. The government's capture later that year of Shining Path leader and founder Abimael Guzmán—and the subsequent dismantling of the terrorist group—seemed only to validate the president's steady concentration of power.

Condemned abroad, the *auto-golpe* was wildly popular at home, since the legislature was seen as a bastion of self-serving political dinosaurs opposed to reform and modernity. Intoxicated by economic stability and the demise of a terrorist insurgency that had killed thousands of citizens, Peruvians forgot to question the means by which such happy ends had been achieved. In 1993, we handed Fujimori a crucial political thank-you gift. In a national referendum, Peruvians voted in favor of a new constitution that greatly enhanced the power of the president and allowed him to stand for consecutive re-election, a right hitherto denied to the head of state.

Had he left office after this first term, Fujimori would likely have gone down in history as one of Peru's greatest presidents. But, empowered by the "modernized" constitution and a new (and more malleable) legislature, Fujimori easily won a second term, defeating former UN Secretary General Javier Pérez de Cuellar in the general election of 1995.

While citizens ceded more and more power to the president, Peru's political opposition leaders failed miserably. Their personal antipathy toward the president—rooted in their 1990 defeat and in Fujimori's illegal closure of the legislature two years later—stunted their ability to chart a different course. In the 1993 constitutional referendum and in the elections of 1995 and 2000, the opposition stood for nothing more than its desire to oust Fujimori. Some opposition members even campaigned on the platform of "Fujimorism without Fujimori"—that is, they promised to pursue the same economic and social policies, if only citizens would get rid of that loathsome, ill-spoken incumbent. Faced with such an alternative, the choice for Fujimori was an easy one.

This year, after Fujimori brazenly stole the presidential election—one he probably could have won cleanly—and after his top advisor was caught in egregious criminal wrongdoing, Peruvians have decided that this time, finally, the president has gone too far. But should we have expected anything different? After we failed to produce a viable political alternative?

With a commendable sense of righteousness and civic duty, citizens have taken to the street demanding that Fujimori resign. We want our democracy back. Like a mercenary in peace time, Fujimori is expendable—an embarrassing remnant of a more desperate time. But as we move toward an uncertain new chapter in our volatile politics, we should never forget our own complicity in writing the last one. □

Carlos Lozada, *a citizen of Peru, is an associate editor of* Foreign Policy *magazine in Washington, D.C.*

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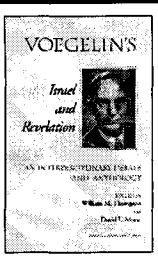

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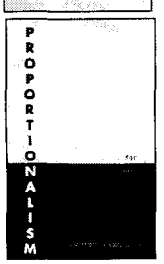

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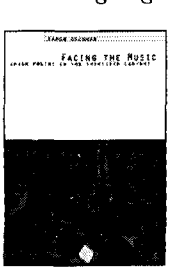

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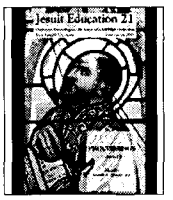

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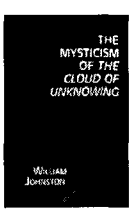

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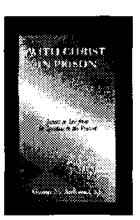

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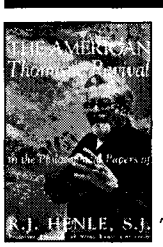

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A CASE OF DOCTRINAL DEVELOPMENT

John T. Noonan: jurist, historian, author, sage

John T. McGreevy

From his own desk, law clerk Samir Bukhari can't see John T. Noonan Jr. at work. Yet each day, through the wall, he hears what Bukhari calls the "ripping pages," a quiet, metronomic hum as Judge Noonan tears prose-filled sheet after prose-filled sheet from a yellow legal pad. (When informed of this fact, Noonan dryly asks "What else does he hear?")

During the past half-century Noonan's pages have been transformed into dozens of scholarly articles, hundreds of legal opinions, and a string of major books ranging from a treatise on bribery to the definitive work on the history of contraception. As recently as two years ago, he published *The Lustre of Our Country* (University of California), an examination of religious freedom in the United States and around the world. Noonan's fluency in history and philosophy and his shrewd eye for the telling anecdote make these publications unusually engaging. He rarely overlooks the "small and important details," explains Valparaiso University law professor Edward McGlynn Gaffney, who asks "How many other scholars can write a several-hundred-page book, with every page readable?" At age seventy-three, showing no sign of diminished energy, Noonan lectures across the country even as he hears cases as a senior judge on a court ranking just below the U.S. Supreme Court in importance, the U.S. Ninth Circuit Court of Appeals.

Productivity and brilliance are an intoxicating pair, and tributes to Noonan are accumulating in the twilight of his career. The theme at such gatherings is often Noonan's intellectual range. His law clerks enjoy describing their initial interviews, where the conversation was more apt to light upon W.H. Auden's poetry—Noonan majored in English as a Harvard undergraduate—than examination of their qualifications. In the 1950s, Noonan and a group of friends founded a board-game company, selling the first version of the once popular strategy game, Diplomacy. Between 1967 and 1972, he wrote a massive study of divorce, helped build a distinguished program in medieval legal studies at the University of California at Berkeley, and spearheaded early opposition to the loosening of restrictions on abortion.

He is, in one sense, a polymath. And yet there is another way to look at Noonan's achievements. Few, if any, of the other major scholars of his generation have so obsessively ruminated on a single problem, so endlessly circled what Noonan as early as 1957 termed the relationship between "development" and "dogma" or, as he once explained it, using history, which is not theology, to illumine the "authentic tradition of the church."

In this sense, Noonan's own development recalls Isaiah Berlin's famous distinction between intellectual hedgehogs and foxes: Noonan is the hedgehog who spends a lifetime burrowing into one great idea, not the fox darting from topic to topic. The purpose of Noonan's ripping pages—whether as a graduate student, lawyer, law professor, or judge—has remained constant. At the mention of Noonan's name, one of his friendly antagonists, the even more prolific Federal Appeals Court Judge Richard Posner, immediately expresses his admiration for one of the "great scholars of modern law." But Posner is dubious about notions of moral progress (are our notions of bribery really more ethical than those of

Hedgehog or fox?

John T. McGreevy, *the author of* Parish Boundaries *(University of Chicago Press), teaches history at the University of Notre Dame. He is at work on a study of Catholicism and American liberalism, from slavery to abortion.* *The research and writing of this profile were funded by a grant from the Lilly Endowment.*

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twelfth-century Egyptians?) and wonders if "there's a benefit [for judges] to be engaged in moral philosophy."

Precisely this single-minded focus, however, has given Noonan extraordinary authority in the intertwined fields of law and religion. As a historian of Catholic moral theology he has few modern equals, as attested by the attention his work has received throughout the Catholic world. (*Contraception*, for example, sold a startling 35,000 copies soon after its publication and has been translated into the major European languages.) Similarly, the quality of his legal scholarship and judicial opinions prompts Harvard Law School Professor Mary Ann Glendon to place Noonan alongside Learned Hand, Benjamin Cardozo, and Oliver Wendell Holmes Jr. as "one of the legal giants of the twentieth century." Noonan's career, Glendon adds, shatters any notion that "one cannot be a religious person and a front-rank intellectual."

Noonan's ruddy face and accent, as much as his pinstriped suits and crisp ties, announce his Boston roots. Born in 1926, son of a prominent lawyer, Noonan attended a local prep school and enrolled, instinctively, at Harvard in 1944. Too asthmatic for military service, he graduated just two years later. Intrigued by law but leery of entering the enclosed world of the Boston law firm, he persuaded his parents to finance a year of study in England, more as a proxy for touring postwar Europe than as an opportunity for serious academic work. "I'd read, in high school, two of John P. Marquand's novels about Boston," Noonan explains. "I read them both as warning of what a restricted life Boston could be if you fell right into its box or pattern of existence." In London he managed an interview with T.S. Eliot. In Rome, friendship with a niece of New York's Cardinal Spellman turned into a brief audience with Pope Pius XII, baffled as to why this young American was greeting him, but gracious nonetheless.

Upon his return to the United States, Noonan decided on graduate study in philosophy at The Catholic University of America in Washington, D.C. There he stumbled upon two of the most influential Catholic intellectuals of the twentieth century, French philosopher Jacques Maritain and American Jesuit John Courtney Murray. Noonan attended a seminar offered by Maritain at Princeton, and encountered Maritain's emphasis on the human person and his passionate insistence that Catholics should defend the moral superiority of democratic governments and the need for protection of human rights. He met Murray, as Noonan relates in an engaging autobiographical chapter of *The Lustre of Our Country*, after coming to doubt the morality of the Catholic view that the state should endorse the one true religion. For several American theologians, and, we now know, Vatican officials, Murray caused great uneasiness by rejecting the traditional teaching that an ideal state would promote Catholicism and limit proselytizing by non-Catholics. Error, it was said, should have no rights. Instead, Murray proposed a historical reading of nineteenth-century papal condemnations of religious freedom, explaining them as attacks on a specific, anticlerical European liberalism, not as final statements of Catholic belief. In the circumstances of the mid-twentieth century, Murray believed, the church should wholeheartedly endorse religious freedom, not deem it merely expedient in a religiously diverse society.

Noonan's mentors at Catholic University found Murray's view enticing. But Noonan wondered if Murray's elegant reading of the historical record wasn't too reassuring. How could seemingly clear papal pronouncements—Gregory XVI had called freedom of conscience an "absurd and erroneous" opinion in 1832—now be set aside? He drove to Murray's residence at the Jesuit seminary in Woodstock, Maryland, and pursued the issue in a friendly conversation. "I felt the attraction of Murray's position," Noonan recalls, "without being persuaded of it."

The recondite topic of usury allowed Noonan to consider the problem of doctrinal development at greater length. How could a church once willing to condemn lenders demanding interest now deposit parish collections in banks? Noonan began scouring medieval and Reformation debates on the topic, and this almost instinctive turn to history is telling. It allied Noonan with Murray's historical investigation of religious freedom, certainly, but it also identified him as part of wider currents in European and American Catholic intellectual life. "Part of the culture of the time," explains Catholic University theologian Joseph A. Komonchak, was the emerging belief that "you can't do serious theology or philosophy

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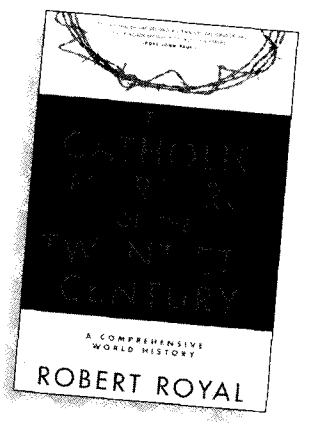

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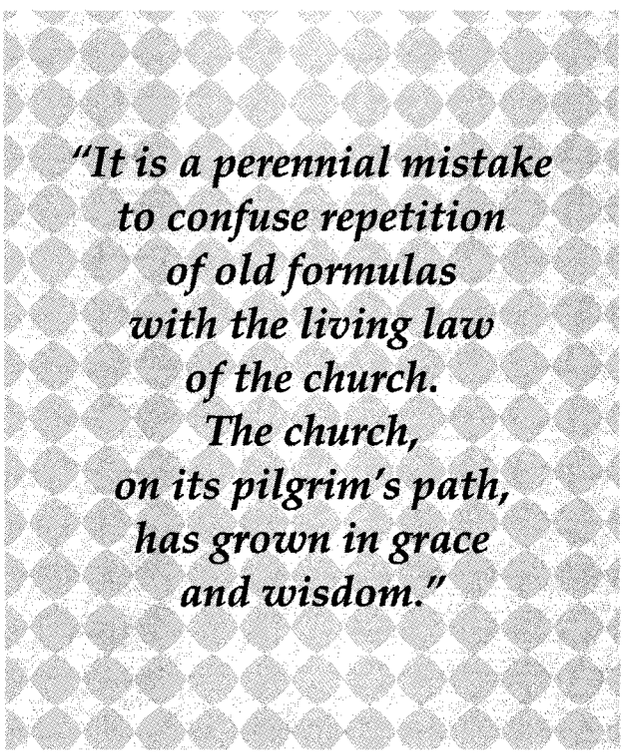
unless you are historically conscious."

In retrospect, Noonan's interest in the development of moral theology paralleled the turn toward historical investigation of Scripture by Catholic scholars in the 1940s, along with the liturgical revival that emphasized worship in the early church and the recovery of a more complex sense of Catholicism's medieval intellectual heritage. All of these efforts pivoted toward the past for its own sake, but also as a way of shaping the present. In the hands of French Jesuit Henri de Lubac, for example, medieval understandings of nature and grace became a plea for Catholics to engage the world beyond church walls. Another Jesuit, Bernard Lonergan, would famously define this process as the evolution of a church able to understand itself only in classical, static categories, toward one possessed of "historical consciousness."

Noonan himself hardly thought in such grand terms. Finally published in 1957 as *The Scholastic Analysis of Usury*, a title guaranteed to repel the casual reader, the book caused little stir beyond specialists. In what would become a typically broad sweep, Noonan traced evaluations of usury from the medieval period to the modern era. And he emphasized that "No error is more widespread than treatment of the theory [of usury] as if it had been immutable."



After receiving his doctorate, Noonan finally succumbed to the lure of the law and enrolled in Harvard Law School. There too, to his surprise, he found the problem of development pressing, as law professors and students, just like theologians, wrangled with the competing demands of precedent, foundational texts, and new situations. "Noonan's [unusual] background in canon law," suggests Professor Glendon, "prepared him to be sophisticated in terms of statutory interpretation" as well as adept at the case-by-case analysis still dominant in American legal education.

Following his graduation from law school in 1954, Noonan decided to return to Washington for a year, accepting an appointment with the Eisenhower administration's National Security Council, then headed by Robert Cutler, formerly the law partner of Noonan's father. Here he rewrote and tracked position papers, with the exciting knowledge that Cutler might well present these analyses of cold-war trouble spots to the president himself. After Cutler's resignation and return to a Boston law practice, Noonan, too, moved back to Boston.

There he worked as a corporate lawyer for five years. Still intrigued by the intellectual problem of doctrinal development, however, Noonan leapt at the opportunity to join the faculty at the University of Notre Dame law school in 1961, attracted by the university's charismatic young president, Theodore Hesburgh. After he arrived on campus, now thirty-five and still single, he began to scout out new scholarly topics. A few of his married faculty friends, struggling with church teaching, suggested that the subject of contraception might prove diverting.

So Noonan set to work. The choice of topic was a fateful one, since the study of contraception yanked Noonan from scholarly obscurity to the center of an extraordinary Catholic debate, and also prepared him for the subsequent and ongoing struggle over abortion. By the end of the 1960s, as much as any other figure, Noonan defined one beachhead in the besieged terrain of contemporary Catholic liberalism: frustrated with church teaching on contraception but opposed to the new regime of abortion-on-demand. One Catholic law professor glumly assessed the situation in 1967, complaining that on abortion the ACLU had abandoned the "first principle of secular ethics," that "life is an absolute value." Unfortunately, the defense of fetal life was now identified as a Catholic position, and linked to a "medieval attitude on birth control."

That these issues would consume Noonan and many other Catholics was not predictable. The consensus of scholarly opinion at the beginning of the 1960s remained that Catholic couples should practice contraception only through abstinence during a certain period in the menstrual cycle, and that church teaching was (and had been and would be) unchanging. Many Catholic couples struggled with this teaching (an equal number, perhaps, ignored it), making the issue an agonizing one for couples as well as for priests in the confessional. But this simply demonstrated the importance of further instruction. As late as 1962, John Ford and Gerald Kelly, the Jesuit authors of the most influential American textbook on moral theology, felt compelled to announce that Catholic parents were not obligated to have more than four children.

Writing, as historian and friend Kevin Starr points out, "without the slightest suggestion of a writer's block," Noonan researched and drafted *Contraception*, a dense, elegantly written book of 533 pages, in two and one-half years. One law school colleague at the time, Thomas Shaffer, recalls Noonan arriving each day at the faculty lunch table "immersed in his

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research," eager to solicit opinions on medieval notions of courtly love or the purposes of marriage.

Harvard University Press published the first edition of *Contraception* in 1965. Written as excitement mounted during the first years of Vatican II, and as other seemingly permanent aspects of Catholic life underwent stunning change, the book struck an optimistic note. Beginning with the ancient Egyptians and ending in the contemporary United States, Noonan again traced a twisting doctrinal path, noting that any fair reading of the history could not "look at doctrinal development as an automatic unfolding of the divine will." After detailing the emancipation of women, the acknowledgment by many theologians that procreation need not serve as the single, primary end of sexual intercourse, and the widespread support for change expressed by married couples, priests, and bishops, he concluded that "it is a perennial mistake to confuse repetition of old formulas with the living law of the church. The church, on its pilgrim's path, has grown in grace and wisdom."

Contraception received enormous, flattering attention. (A young, and then conservative, Garry Wills flatly termed it "a classic.") As is well known, Pope Paul VI withdrew the topic of contraception from general consideration at Vatican II, and named a commission to consider the matter. As the commission assembled in Rome in early 1965, a torrent of publicity on birth control suggested the intensity of feeling on the subject. When Chicago's Patty Crowley, one of few the women on the commission, polled other Catholic women, she received a deluge of anguished letters detailing multiple, risky pregnancies and marriages strained by enforced abstinence during fertile periods.

Appointed to the papal commission because of his newfound expertise, Noonan began his first presentation to the commission with the observation that "the matter is open enough to deserve the attentive study of the church in light of new scientific, social, and historical understanding." Ford, perhaps the commission's most influential conservative, initially supported Noonan's appointment. After recognizing the implications of *Contraception*, however, Ford argued to friends that Noonan's work was "very one-sided, and says nothing of the essential points of difference between the cases of usury and contraception."

Working on the Roman schedule of a morning meeting, lunch, siesta, and a final session from 5 to 7 P.M., the commission met as a body, and then in smaller groups. Noonan now describes the meetings as open and honest, and regrets only that Paul VI was not invited to attend them. At the time, however, he privately expressed frustration with the conservative moral theologians, convinced that they took "texts out of their contexts and used them as some kind of absolute statement, fallen, as it were, from heaven."

Ultimately, the commission voted 52-4 to alter the traditional teaching. Pope Paul VI's rejection of this recommendation in *Humanae vitae*, three years later, was devastating.

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Noonan himself offered only a brief lament for the "internal inconsistency" and "inadequate preparation" of the encyclical. Only years later, in an argument that even some admirers found unconvincing, did Noonan argue that the encyclical actually permitted the use of contraceptives during all but the few days that a woman was fertile during each month. Reading this essay, one senses an intense loyalty to the church—"the teaching of *Humanae vitae* is a given of Catholic doctrine"—combined with a tactician's desire to keep open the possibility of future development.

By this time the abortion issue had moved to center stage in American life. For Noonan and many other Catholics, the intense debate over contraception required a rare facility in the vocabulary of sexual and medical ethics, and consequent leadership in the debate over abortion and other "life" issues. Noonan had emphasized in *Contraception* that a shift in Catholic teaching on birth control might strengthen—not repudiate—the core Catholic principles of sexual ethics. Legalized abortion, by contrast, struck at a central (and increasingly important) tenet of Catholic thought, the value of each individual human life.

That many Americans disagreed soon became evident, most obviously in California which witnessed an early battle over the liberalization of abortion laws in 1967. Newly married to art historian Mary Lee Bennett, Noonan moved to Berkeley the same year, lured by climate and a new position at the law school of the University of California.

He quickly enlisted in the anti-abortion ranks, testifying before both the California State Legislature and the U.S. Congress. "I would like to speak on 'Abortion in the History of the Church and Civil Law,'" he told one Cleveland priest in 1968, "because I think there is now a large organized campaign to promote abortion in this country, and I think it is important for Catholics to be informed about the roots of the church's opposition." In 1970 he edited one of the first scholarly volumes on abortion. In 1971 he predicted that the "tide may even have turned."

Roe v. *Wade* (1973) demonstrated the opposite. Noonan quickly wrote a blistering attack on "raw, judicial power" and the "most radical decision ever issued by the Supreme Court." Like many anti-abortion activists, he took to comparing the Right to Life Movement, "few in numbers," to the abolitionists. In 1979, his ironically titled *A Private Choice* became perhaps the most powerful scholarly analysis of the way abortion might cheapen respect for all life, and how seemingly individual decisions reverberated in society.

This most activist phase of Noonan's career slowly faded. Three children, John, Becky, and Susannah, provided a new center to the household, and he and Mary Lee developed friendships in San Francisco and Berkeley. The Noonans' home, perched in the hills above the University of California campus, became the setting for dinner parties and birthday celebrations. He joined the Chit-Chat Club, a venerable San Francisco discussion group, and began a reading group for Catholic academics.

The Noonans remained in Berkeley but not, in a sense, of it. Theirs was the Berkeley of weekly walks in the nearby hills and delight in the cosmopolitan Catholic community at Saint Mary Magdalene, not the People's Republic of yore. Mary Lee still rolls her eyes at the mention of some of the period's political—and liturgical—radicals, and the judge, although he demurs from discussion of his voting preferences, seems less ready than the average Berkeley resident to cast Republicans into San Francisco Bay.

Honors and responsibilities mounted. Elected to the American Academy of Arts and Sciences in 1976, he also held fellowships at the Institute for Advanced Study in Princeton, the Woodrow Wilson Center in Washington, and the Center for Advanced Studies in the Behavioral Sciences at Stanford. Service on the governing board of the Graduate Theological Union at Berkeley offered Noonan an opportunity to mingle with leading Catholic theologians, and he enjoyed meeting friends at the Holy Cross House or the Franciscan School of Theology before heading up the hill to his home at the end of the day. A long stint on the Harvard Board of Overseers immersed him in the inner workings of his alma mater.

The books continued to issue forth. His interest in the development of doctrine was again obvious in *Persons and Masks of the Law* (1976), *The Antelope*, about a slave-ship captured in 1820 (1977), and *Bribes* (1984). These books placed less emphasis upon formal exposition of doctrine in the style of the mandarin intellectual historian, and more on storytelling, on the individual concealed beneath the spare facts of a particular court case. Here he returned to Jacques Maritain, citing the French philosopher's emphasis on the human person, and calling for legal structures that balanced impartiality with recognition of individual circumstance.

In 1985 Ronald Reagan nominated Noonan to a seat on the U.S. Ninth Circuit Court of Appeals. Surprised, but delighted, Noonan brushed aside complaints that his well-known views on abortion should deter him from accepting the nomination. "All law incorporates morality," he told one interviewer. "Whenever one is dealing with law, one is dealing with a sense of good. The notion that some law isn't moral is just a fiction." A representative from the Federation of Women's Lawyers challenged this claim at Noonan's Senate confirmation hearing, arguing that his "moral absolutism" and "intemperate zeal" on abortion should prove disqualifying. Senator Bob Packwood (R-Oreg.) threatened to hold up the confirmation process, describing Noonan as "avid antichoice and pro right-to-life." Ultimately, however, the nomination sailed through the Senate, and Noonan moved his office from the Berkeley campus to downtown San Francisco.

Once on the bench, Noonan disappointed both liberals and conservatives. Along with other colleagues, he stirred enormous controversy by refusing to authorize the execution of Robert Alton Harris in 1994. Later, after the Supreme Court permitted the execution, he wrote an article pondering the "buried religious dimensions" in all discussions of

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capital punishment, and expressing sharp dissatisfaction with a Supreme Court "absolute for death."

Noonan also granted asylum to Olympia Lazo-Majano, a Salvadoran refugee with a "well-founded fear" of persecution in her native country, and refused to deport an alien, Jesus Escobar-Grijalva, unable to obtain adequate legal representation. According to Robert Jobe, a San Francisco attorney specializing in immigration issues, Noonan's sympathy for immigrants seeking asylum distinguishes him from the "majority of Republican appointees." Noonan's law clerks point with pride to his habit of addressing petitioners, even petitioners who are not citizens, by their full name, giving them a dignity in his courtroom rarely available in the wider legal world.

Noonan's most celebrated judicial opinion, on assisted suicide, returned him to the familiar territory of dogma and development. That the case, *Compassion in Dying* v. *Washington,* fell by chance to Noonan in 1995 was no little irony, and he pounced on the lower-court opinion, which declared assisted suicide a matter of fundamental "dignity and autonomy," with almost unseemly gusto. One can hear the echoes of earlier discussions of abortion in Noonan's scathing attack on a federal judiciary doubling as a "floating constitutional convention" and willing to create a right "unknown to the past and antithetical to the defense of human life."

As in the abortion debate, opponents of Noonan's decision accused him of enacting his own religious views into law. But this time, in contrast to *Roe* v. *Wade,* the Supreme Court agreed with his assessment, and ruled that the state of Washington could legitimately decide that protection of life outweighed a putative "right to die."

Noonan's eventual departure from the public stage will signal a changing of the guard of sorts in American Catholic life. Noonan met Mary Lee at a Cambridge, Massachusetts, cocktail party in 1964, hosted by Michael Novak, then a journalist. *Commonweal* columnist and author Sidney Callahan had met Noonan in the same Cambridge circles a few years earlier, when they both participated in a reading group on Protestant theology. "We tried to develop ourselves intellectually," she remembers. "Because Catholics were not assimilated and were somewhat persecuted and of low status at the time, we had to give each other a great deal of emotional support." In 1963, once-forbidding Harvard hosted a series of discussions on Vatican II that included a set of lectures by one of the council's most important figures, Cardinal Augustin Bea, and appearances by then-little-known priests named Andrew Greeley, Charles Curran, and Robert Drinan. A string of speakers invaded the Harvard Catholic Student Center, addressing Catholic students on topics ranging from contraception to urban renewal. Jill Ker Conway's lovely memoir, *True North,* hints at the optimism and excitement of these young Cambridge Catholics, newly at home in the prestigious centers of American academic life, and poised to assume leadership roles within the intellectual life of the church.

Could a comparable group now appear? Noonan is well aware that many Catholic young people lack the vocabulary, or the interest, to join discussions about the state of their church. And the guarded criticism that Noonan now receives from more radical legal scholars is that he remains too much the establishment judge, too little the prophet. If capital punishment and abortion are wrong, in other words, can one administer justice in a legal system that condones both? Does Noonan place too much emphasis on the compassionate judge and not enough on an immoral legal system? Noonan is too quick, argues Duke law professor H. Jefferson Powell, to accept the "coercive nature of the state, while overstating egregiously the significance of having individual Christians exercise the state's power."

In the current ecclesiastical climate, Noonan's emphasis on development is also controversial. Some Catholics concede that the church admits the principle of doctrinal development, but they accuse Noonan, in Richard John Neuhaus's words, of too often equating development with "a change, or even a reversal, of doctrine." At a recent meeting of the Catholic Common Ground Initiative, Noonan and theologian Avery Dulles had a polite, but sharp, exchange on the subject, with Noonan again insisting that "the record is replete with mistakes—the faithful can't just accept everything that comes from Rome as though God had authorized it."

Noonan enjoys parrying these criticisms, and is generally optimistic about Catholicism's future. "I believe that God is with us," he says, noting how Catholicism has spoken, and continues to speak, "to the deepest feelings of millions of human beings." His own career suggests the possibility of extraordinary (if at times critical) service to church and nation, and he delights in the new openness with which Catholics and non-Catholics discuss matters of common concern. "What I really admire about him," explains Cathleen Kaveny, a former law clerk of Noonan's and now a University of Notre Dame law professor, "is that he takes seriously the notion that truth, goodness, and beauty are interconnected; truly pursuing truth, you cannot go wrong."

Whatever disagreements he might have with John Paul II, Noonan finds the pope's travels and ability to admit error "wonderfully invigorating." He worries about young lawyers "disillusioned" by experience with law firms obsessed with billable hours, but raves about the idealism and ability of his own clerks.

Noonan offers these opinions in his office, illuminated by soaring windows that open onto the San Francisco cityscape, steps away from the courtroom he supervises. Teetering piles of books and articles cover the available surfaces. He has recently begun talking to leading neuroscientists about developments in their field, and is mulling how new understandings of the brain might affect legal conceptions of motivation and responsibility.

"You have to be a bit of a fanatic to write a book," he announces cheerfully. But he admits that, yes, he is thinking of writing another one. □

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Rand Richards Cooper

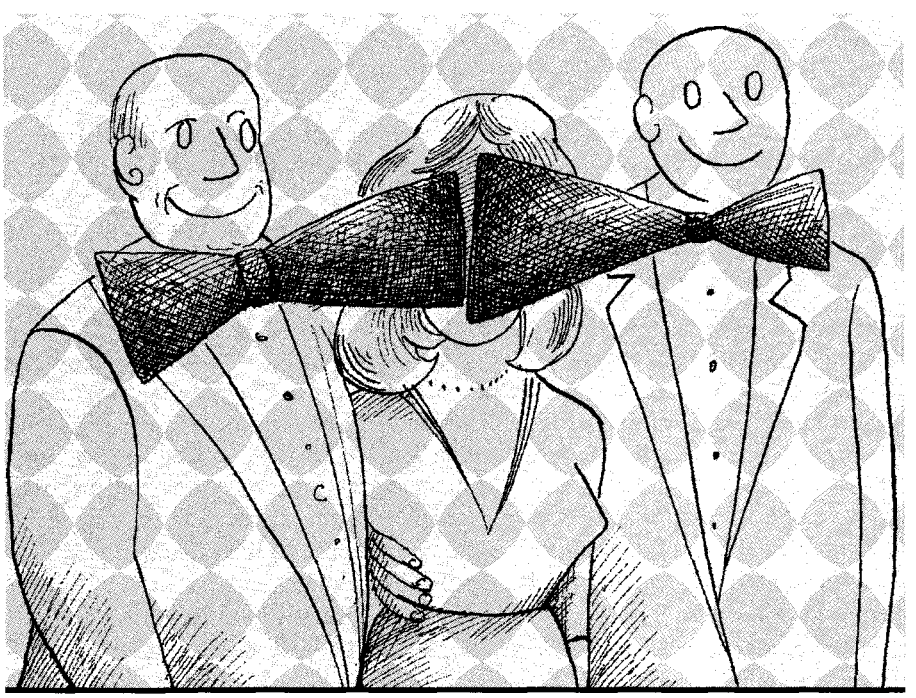
A MAN'S WORLD

'Girlfight' & 'The Contender'

Karyn Kusama's *Girlfight* opens with seventeen-year-old Diana Guzman (Michelle Rodriguez) in a hallway of her Brooklyn high school. Decked out in army fatigues, she glowers at the camera with a hooded, bellicose look, scary in its intensity. "That bitch is psycho!" screams a classmate during a girls' room altercation, and it seems about right. Diana is pissed off at life and spoiling for a fight. At the neighborhood gym where her brother boxes, she convinces his skeptical trainer Hector (Jaime Tirelli) to take her on as well. Soon she's pounding the heavy bag, letting the sweet science hone and channel her rage.

The current mini-boom in women's boxing is largely an upscale hobby. But it's the traditional, boxer-as-angry-outsider story that *Girlfight* is after, with an added obstacle thrown in—gender. Diana doesn't fit the mold of femininity in her immigrant Latino world. She bristles when her girl friends primp before the mirror, and scorns their lovelorn sighs—"How come everything has to be romance with you?" she asks. She's tall, and tough, and while she does like boys, flirting repulses her. "Would it kill you to wear a skirt once in a while?" complains her macho father, Sandro (Paul Calderon). Sandro drinks, and the film hints at a history of domestic violence that drove his wife to suicide. He envisions his son as a boxer, his daughter a receptionist "in a nice office." Diana wants none of that, any more than she wants to wear a skirt. Every time she unleashes an uppercut in the ring, it's a blow against horizons that have been set too narrowly for her.

In her screen debut, Michelle Rodriguez is fabulous to look at—her face brooding so intensely that the first appearance of a smile has a winning drama all its own. *Girlfight* surrounds her with familiar fight-movie elements: the decrepit gym, decorated with hortatory slogans; the wizened coach with his own agenda of disappointments. And while Diana herself may not have seen many fight movies, she's entranced by the pageantry of the show. Hector takes her to the fights, and through her rapt gaze we glimpse the ref waving a bout off and hugging the losing boxer in an embrace that is both protection and consolation. It's a lovely depiction of a girl wanting into the world of male intimacies.



By and large, however, such subtlety eludes first-time director Kusama, who pushes the role-reversal theme way too hard, giving her film the neatness of a diagram. It's one thing to make Diana's brother, Tiny, effeminate and kind where Diana is masculine and blunt—but does he have to aspire to be an artist, too? When Diana goes out with a young fighter named Adrian (the girl's name in *Rocky*—remember?), does she really have to chow down on the bacon double cheeseburger while he eats a garden salad? In one ludicrous scene, Diana beats up her father, nearly strangling him on the kitchen floor as her brother pleads, "Please Diana, stop!" Kusama wants to subvert our conventional expectations, but what gets subverted instead is reality.

The film's denouement, a highly improbable Romeo vs. Juliet main bout, leaves Kusama with a dilemma. A male opponent small enough for Diana to handle would have to be a scrappy waif of a flyweight. But movie romance requires someone who's, well, manly. Kusama opts for the latter: Santiago Douglas, who plays Adrian, is five inches taller and twenty pounds heavier than Michelle Rodriguez, and it's unimaginable that her character could win the slugfest. Not daring to cast a male against leading-man type seems like a failure of conviction on Kusama's part. Everything does have to be romance, after all.

"Adrian," Diana says after the fight, "you boxed with me like any other guy, you showed me the same respect you show men." *Girlfight* won both the Grand Jury Prize and the Director's Award at Sundance this year; but despite its gritty, low-key look, the film wanders into downright corniness and

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summer movie feel-goodism. Then again, sociology is a high-concept approach to character, and so perhaps it shouldn't surprise that an ending as sentimental as this one can in fact be both PC and HC—Hollywood Correct—at once.

The Contender also portrays a woman daring to enter a man's world, and the mayhem that ensues. This time it isn't the ring, but the arena of national politics, where careers and reputations are demolished with the flick of a jab—whap—as casually as that.

The battle begins when the president, Jackson Evans (Jeff Bridges), moves to fill the slot opened by the death of his VP. His choice is Laine Hanson (Joan Allen), a senator from a distinguished political family. Hanson has enemies. Some oppose her because she's a woman, others because she switched parties years back; others just want to embarrass the president. Led by Shelly Runyon (Gary Oldman), the right-wing, Machiavellian chairman of the congressional committee handling Hanson's nomination, these foes unearth photos that purport to show Hanson engaged in a fraternity sex orgy decades ago. Wham. Whap. Pow. It's nasty time.

Written and directed by a former movie critic, Rod Lurie, *The Contender* may spark burning career hopes in America's film reviewers, but if you're looking to have your faith in public service bolstered, don't look here. In this Beltway free-for-all, sleaze engenders sleaze; blow begets counterblow. "What have you got on Runyon?" President Evans bellows to his chief of staff as his nominee's troubles deepen. "Give me something sexual!" Hanson herself, meanwhile, clings to a tight-lipped refusal to comment on her private life. "It is simply beneath my dignity," she says. Or is she just hiding behind principle?

The Contender has the feel of TV's popular "The West Wing," with staffers multitasking like mad in the halls of the White House, obsessing over polls and news leaks, and leavening their ferocity with deadpan humor. But where "The West Wing" faithfully uncovers a core of unbudging idealism in every episode, *The Contender* threatens to leave us with nothing but an ever deepening dig through layers of cynicism, ambition, betrayal, and rage. There are no issues, only grudges and strategies. Gracious collegiality fronts for vicious backroom power plays—"We have to gut the bitch in the belly," leers one of Hanson's enemies. The film's soundtrack picks up characters breathing and chewing and swallowing, the trickly sound of saliva, mouths that are either too wet or too dry. You keep wanting to move the mike back; and as for the shine of sweat on Runyon's lip as he zeroes in for the kill, you don't really want to be seeing that, either. And you thought politics was about ideas? Wrong! It's the appetite, stupid. It's the belly. Just listen.

The politics of *The Contender* are nominally Clintonian, but political opportunism is a bipartisan talent. Oldman plays Runyon as part Joe McCarthy, part Newt Gingrich, and his public destruction of Hanson—praising her at the

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hearings for not dignifying the swirling sexual rumors with a response, even as he steers all America to the Web site where the pictures are—is a dance of cynicism so smooth it's almost graceful. As for Jeff Bridges, he's terrific. Bridges began his career playing golden-boy types in films like *The Last Picture Show* and *Thunderbolt and Lightfoot*. In middle age he is not quite the suavely handsome leading man one would have predicted, but rather a faintly depraved version of it; there's something wild in his brow and his lurid, grinning stare, some Jekyll-and-Hyde capacity for craziness, and he uses it to superb effect as President Jackson Evans. Evans is part Clinton, part LBJ, a bluff good ol' boy who uses his physical presence, his very joviality, to intimidate. When a first-term Democratic representative (Christian Slater) who opposes Hanson is called to the White House, Evans offers him a sandwich, then, as the congressman uncomfortably munches it, Evans smilingly details how he is going to annihilate him.

Lurie lets his characters romp through a moral quagmire so gooey, it's hard to see how anyone is going to escape unslimed. The only person with half a chance seems to be Hanson herself, and it's the film's conceit that to do so, she may have to allow herself to be dirtied publicly beyond recognition—and refrain from using the weapons her allies keep handing her. The film's closing scenes take this notion to astonishing lengths. I won't give away the details, but by the end, there's enough redemption and triumphant idealism to last a whole season of "The West Wing." Amid swelling patriotic music, President Evans morphs into a Boy-Scout-in-Chief, promising to "heal this nation" and restore "the glory of this democracy." You search for the irony—who's he nailing this time?—but it isn't there. It's as if Lurie has forgotten the first hour and a half of his own movie. There's an almost Victorian tilt to *The Contender*'s brutally happy ending: a fallen man—a whole city of fallen men—reformed by one woman of principle. Not only that, but you don't hear them chewing anymore, either. □

MUSIC

Benjamin Ivry

NEARLY GOOD AS GOULD

Perahia's 'Goldberg Variations'

Johann Sebastian Bach's *Goldberg Variations* (1741) has rightly entered the domain of musical myth. By all evidence Bach believed that music was essential to display and understand the majesty of God's creation. Music was of ethical and even cosmological importance for him. The Bach expert John Butt states, in Bernard Sherman's *Inside Early Music* (Oxford University Press, 1997), that Bach "sees music as being part of a mechanical process by which humankind comes to terms with the divine....It's organization, what you might think of as cultured religion, as opposed to personal and more immediate religion." Butt views Bach's type of faith as "one that looks for godly order on earth" and thus in some ways is allied to what today is called pantheism. This noted expert concludes that Spinoza's term, "'the intellectual love of God' seems remarkably appropriate for Bach."

Of course, many listeners enjoy the *Goldberg Variations* for more earthly purposes. The conductor Leonard Bernstein claimed that he and his wife considered the opening aria "their song," a kind of love theme. Others play it as exalted background music, which may be closer to one legend about the work's origins. An early biographer of Bach posited that it was written for one of the composer's gifted students, named Johann Gottlieb Goldberg, to play for the Russian ambassador to the Saxon court, who suffered from insomnia. The notion of this "Aria and 30 Variations," written for a harpsichord with two keyboards, soothing a distressed diplomat to sleep has charmed generations of music lovers.

Only recently have specialists awaken to the obvious fact that apart from the beautifully lulling air that begins the piece, this is hardly sleepytime fare. A careening assertion of mastery and virtuosity, the *Goldberg Variations* were for many years thought unplayably difficult. That is, until they were performed and recorded in 1933 by Polish harpsichordist Wanda Landowska on her specially built Pleyel instrument that sounded like a jangly upright piano. In 1955, another upright jangly piano, Canadian virtuoso Glenn Gould's, was used for an epochal bestselling record that is still available today, alongside Gould's later rethinking of the same piece (1981). With his weird humming, brilliant insights, and eccentric observations, Gould could seem like a Bobby Fischer of the music world. Yet his *Goldberg Variations* shared with Landowska's an acerbic quality, of excluding human imperfection through sheer ability. Both artists proved that what seemed impossible could be played well, and that Bach's mighty challenge to posterity could be met.

Part of the lasting mystery of the *Goldberg Variations* is the many faces and forms the work can have. Played with or without indicated repeats of certain passages, its length can vary from around eighty minutes to half as long. Harpsichordists after Landowska, most notably George Malcolm (on l'Oiseau-Lyre, sadly out of print) and Pierre Hantai (on Opus 111) have joyously affirmed the original sound and scale of the work. Pianists like Peter Serkin (on Pro Arte) have rejoiced in the full dynamic range of their instruments. There have even been recorded versions for the Canadian Brass. Now another virtuoso pianist, the Bronx-born Murray Perahia, has entered the fray, on a new CD *Murray Per-*

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ahia Plays Bach's Goldberg Variations (Sony Classical).

Perahia carries a legend of his own as baggage, from his early days as mop-haired player of romantic music by Chopin and Schumann, through later discipleship to a variety of musical greats including Benjamin Britten and Peter Pears, Georg Solti, and Vladimir Horowitz. Now past fifty, Perahia recently saw his career interrupted for a few years by a persistently infected thumb, which gave him time to study scores, the *Goldberg Variations* presumably among them. The results are a warmly domestic version, that one can imagine being played in an elegant home, if not necessarily at bedtime. For this polished, yet intimate approach, Perahia may have been influenced by one of his teachers, the late Mieczylaw Horszowski, a dapper virtuoso who was still playing in public at age 101. Horszowski gave a humane, breathing quality to Bach, full of deft touches and relaxed moments. Perahia's intense brightness may lack some of his mentor's humor, and he adds a certain edge or point that differs from his ultra-gentle playing of the past.

In earlier years, Perahia could seem so genteel as to sound wilting, and his recordings with the assertive Georg Solti could sound like an aural equivalent of the *Rape of the Sabine Women*. No such overdelicacy is audible in these Goldbergs: the amount of bite and attitude, in the Landowska tradition, might have been mulled over during the pianist's enforced retirement. Whatever its origin, this slight degree of temperament keeps the work from appearing too overtly as an intellectual exercise, divine or otherwise. Whether or not Goldberg really had anything to do with them—some critics today claim he was not even Bach's pupil—the music, especially in performances of this quality, seems likely to fascinate as long as anything else by Bach, which is to say as long as any human artistic achievement lasts. □

Benjamin Ivry's Maurice Ravel: A Life *(Welcome Rain) has just appeared. He has also written lives of Poulenc (Phaidon) and Rimbaud (Absolute) as well as a poetry collection,* Paradise for the Portuguese Queen *(Orchises).*

MEDIA

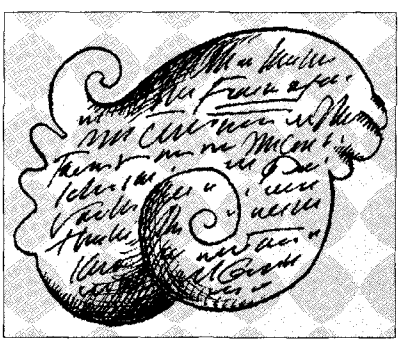
Celia Wren

POETRY.COM

Verse on the Internet

Surfing in the ocean means staying close to shore. You may court drowning, concussions, bruises, and broken bones—and, more frighteningly, your life veers perilously close to a Beach Boy song—but geographically your adventure is pretty tame.

Surfing the Internet, on the other hand, means wending the digital equivalent of a journey, departing from the familiar (the portal of your Internet provider) to voyage, Web page by Web page, link by link, into unfamiliar territory—Virtual Finland, say, or the Asian Mustard nook in the world's largest online mustard store. The journey can be an eye-opener in more ways than one. Encountering the useful and the useless, the esoteric, the eccentric, the personal, and the crassly commercial can make you marvel at the sheer quantity, and diversity, of the human energy percolating out there in the world.



And then, of course, there's always the possibility that you may cyber-stumble across something truly valuable. Still a relative neophyte to dot-com/dot-org realms, for example, I have recently discovered the Internet to be an inestimable resource for poetry.

The discovery astonished me because one hears so much about the incompatibility of literary and Information Age culture—people don't read anymore; they don't write letters, and so on. But, as it turns out, a significant amount of poetry is enmeshed in the Web these days: the classics, right out of English 101; contemporary verse, posted on publishing-house sites and elsewhere; e-poetry, custom-crafted for the virtual page; holiday poetry, like Robert Burns's "Halloween," online back in October courtesy of an enthusiastic resident of Poultney, Vermont; amateurs' works; an International Poetry Hall of Fame; and more. The Net may provide the answer when you're trying to place the author of that famous line. And, as I've found, the Net can help you—and even entice you—to expand your poetical horizons.

It was National Poetry Month, back in April, that lured me to the world of online stanzas. In honor of the month (which the Academy of American Poets invented back in 1996), Knopf had advertised its Poem-a-Day service, and one day in a burst of literary enthusiasm, I signed up from my office computer. All the authors whose works Knopf e-mailed, unsurprisingly, were published by Knopf: On the Web, content rarely veers far from commercialism. But since you can do a lot worse than a Knopf poet (the house publishes Mark Strand and W.S. Merwin, to name two), the service was a luxury. I read works by authors I barely knew, and gained a taste for the poems of Anne Michaels, whom I'd never even heard of.

And the experience had a philosophical dimension, as well as an aesthetic one. There's something soothing about a poem that blitzes into a prosaic workday. Deadlines and to-do lists, seeming to pale in significance, become less intimidating, and minutes spent in mundane tasks (filling out Federal Express slips, for instance) feel less sterile. If you're given to pausing en route through the shambles of your in box to think, "Really, what is the point of it all?"

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there's comfort in that link to the "ideal order" (in T.S. Eliot's words) of literature, past and present.

Starting around mid-May, I found myself sorely missing my daily e-mailed poems—missing them so much, in fact, that I bemoaned my loss to a friend who happens to be a Web-surfing pro. In a matter of seconds he'd polished off a Web search (via the choice search engine Google), and signed me up for a new poem-a-day service from www. daytips. com, which will also e-mail you daily garden tips, daily jazz updates, daily recipes, daily Dear Abby columns, and much, much more. Now, the folks at DayTips are not exactly literary philanthropists, and my poems these days come sandwiched between lines of advertising copy—FREE TRIAL SOFTWARE! WIN A $2,500 SHOPPING SPREE! PERSONALIZED HOROSCOPES! But if you scroll past those banners, you find a work that may be old or new, familiar or esoteric—from obscure Yeats to canonical Anne Bradstreet to, recently, Bruce Weigl's antiwar "Song of Napalm"—along with a succinct but informative author bio.

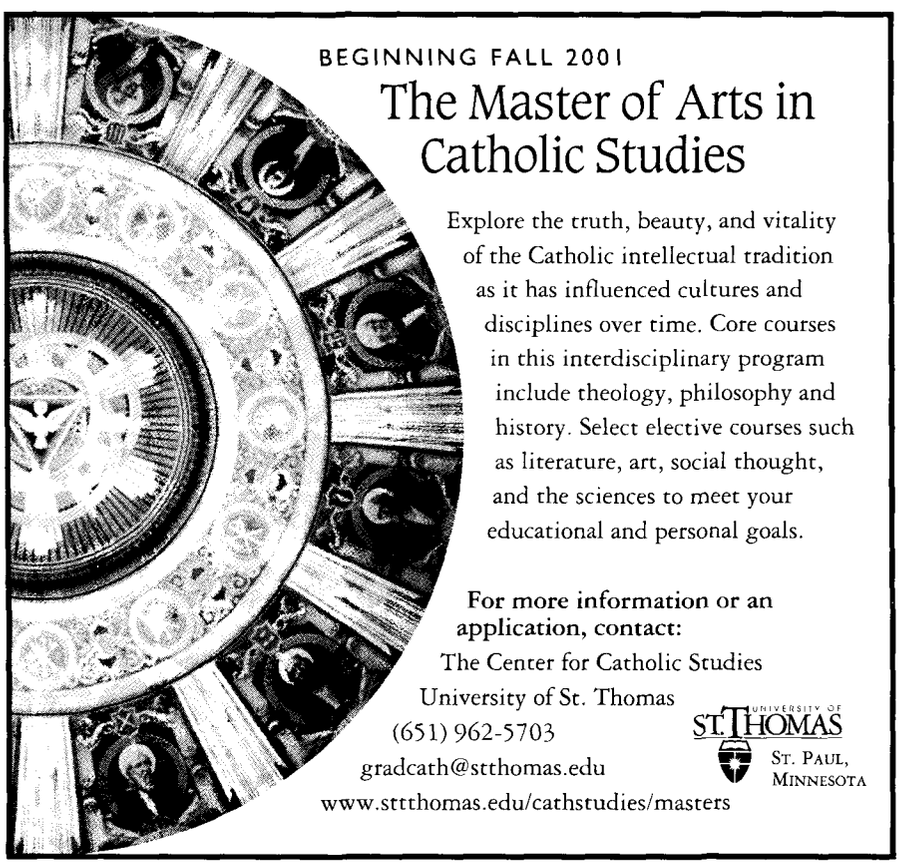
In any case, the ads, if you're in the right frame of mind, can resonate almost symphonically with the poetry. They may, on occasion, harmonize: an excerpt from Christina Rossetti's erotically overtoned "Goblin Market," for example, seemed in tune with that day's sales pitch: WEBPERSONALS.COM GIVE YOU A WAY TO CHOOSE THE PEOPLE THAT YOU MEET! Or, on the other hand, the ads may blare in vulgar dissonance, tempting you from an elegy with a CREDIT CARD REDUCTION SERVICE!: IF YOU HAVE $5,000 OR MORE IN CREDIT CARD DEBT AND ARE PAYING HIGH INTEREST RATES. Annoying, sure, but you may pause to shake your head at the astounding grab-bag that is human experience—and that moment of reflection is, in itself, not unsatisfying.

The opportunity to revel in literature and marketing's rich polyphony is just one of the benefits you can derive from reading verse online. More extravagant than my daily e-mails are the Web sites that turn poetry into a multimedia event—the sound and video archives of the Favorite Poem Project, for instance (www.favoritepoem.org). This mammoth audio visual initiative, spearheaded by the former poet laureate, Robert Pinsky, has recruited Americans of all professions and backgrounds to record a poem of their choosing. On the project's Web site, you can watch rather jerky video footage of selected participants, like a glass blower in Seattle who reads Frank O'Hara's "Poem," and an account manager in Stockton, California, who took on Wilfred Owens's "*Dulce et Decorum Est*." President and Mrs. Clinton still sound like politicians as they proclaim Ralph Waldo Emerson's "Concord Hymn" and Howard Nemerov's "The Makers" respectively, but the recitals, and informally expressed thoughts, of the noncelebrities are curiously moving. The enjoyment of poetry is a private, personal business—when a complete stranger shares such an intimacy with you, you feel honored.

There's a disorienting quality to the Favorite Poem videos, too, caused by the apparent presence of a person in the nothingness of cyberspace. In general, though, the disjunction between the virtual world, in which the online poems exist, and the sensual world, which those poems frequently describe, works to the advantage of the verse. After a bout of surfing, the other day, I found myself reading Michael Ondaatje's "Inner Tube," which evokes a rafting trip down an eddying river. Ondaatje's (*The English Patient*) lines nearly made me seasick—and the sensation was all the more vivid because my Web surfing had made me feel becalmed.

Poetry.com's "100 Greatest Poems Ever Written" section (where I found "Inner Tube") happens to be a sideline to that Web site's principal trade—the posting of amateur verse. Would-be bards can compete in the site's daily and monthly contests (entries to the monthly contests appear immediately on the Web site), and for a sum, poetry.com will emblazon poems on tote bags, aprons, coffee mugs, mouse pads, and other household items.

There's room for all in the universe of online poetry. If you'd like quick confirmation, just scan for "poetry" on Google—in a split second, the search engine comes up with 4.5 million entries. □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Big questions for small readers

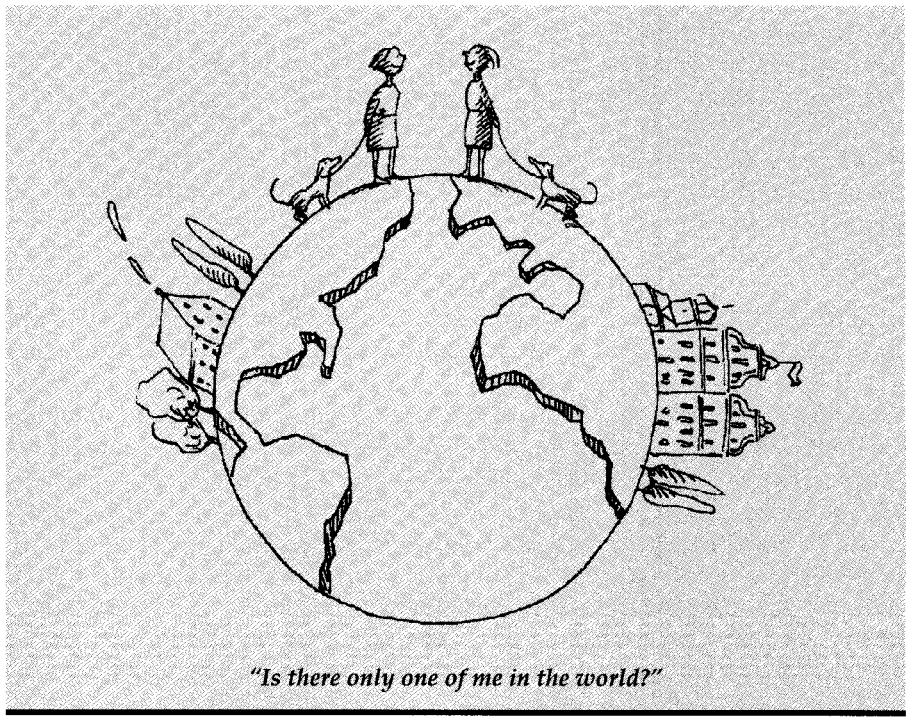
Daria Donnelly

Philipa Pearce's 1958 *Tom's Midnight Garden* (Harper Trophy, $5.95, 229 pp., ages 10 and up) is considered one of the finest novels written for children, "as near as any book I know to being perfect in its construction and writing" according to critic John Rowe Townsend. But I think Pearce's recently republished first novel, *Minnow on the Say* (illustrated by Edward Ardizzone, Greenwillow, $16.95, 246 pp., ages 8 and up) is even better. Yes, *Tom's Midnight Garden* is terrific. It tells the story of a boy whose loneliness is both expressed and relieved by nightly play in a sprawling and inhabited late-Victorian garden which, by day, is mere pavement and garbage cans. The nature of time, desire, and memory—Pearce delicately conveys and considers each. And yet...communication technology and style have changed, enough that Tom's means of expression (effusive letters to his beloved brother) slightly estranges today's reader.

Not so *Minnow on the Say*, with its timeless, if more conventional plot. The story begins in 1930s England when David Moss, the child of a bus driver, finds a lovely, neglected canoe tossed onto his family's dock after a storm swells the river Say. He desperately wants to keep it, but his father urges him to find the owner. That turns out to be young Adam Codling. He is last in the line of a now-impoverished family that has occupied the banks of the Say for centuries. The only way that the Codling estate might be saved, and Adam not sent to relatives in Manchester, is if he and his new friend David can find the treasure that an ancestor hid during the time of the Spanish Armada. Equipped with a single clue (a four-line poem) and their canoe, the *Minnow*, the boys spend a summer questing for treasure. They cover a lot of territory and so does the book: poverty, greed, mourning, class relations, the nature of marriage and of friendship, village ways, and more. Don't read this expecting misty nostalgia. Pearce's love of village and river life shines through (she grew up on the river Cam in the village of Great Shelford), but so does her experience of the London Blitz and the trauma of World War II. You might never read a more painful account of the ravages of mourning as those scenes in which Adam's grandfather, demented by denial of his only son's death during the Great War, fails to understand that the boy he lives with is his grandson.

One of my favorite parts of *Minnow on the Say* is the joyous, hard thinking in which Adam and David engage while interpreting the poem. It is a rare pleasure to read a children's book about thinking, but less rare this year—a good season for books that encourage children's philosophical and theological questions and speculations.

One such book is *Stormy Night*, written and illustrated by Michèle Lemieux (Kids Can Press, $16, 240 pp., all ages). It poses forty-seven questions, and answers none of them. There are also expressions of wonder and fear, as well as quotidian observations, all emanating from a young girl in her bed on a stormy night. The interaction of questions and cartoon illustrations, the use of white space, and the book's dimensions (short and notably wide) encourage a child's eye, hand, and mind to linger. While an individual question quoted out of context might seem whimsical or strange—Is there only one of me in the world? Am I nice looking? Is there anyone watching over me? And what if there's nothing after death?—the narrative arrangement is perfect, and perfectly in tune with the rhythm of the storm. What this book gets right is that children's most abstract



"Is there only one of me in the world?"

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questions flow from the concrete world as they experience it. So a storm may bring on questions about infinity, war, God, death. So might a trip to the local science museum. Lemieux also gets right that children are excited by their own questions, and out of that excitement flows digression, as well as remembered words and experiences that fuel new directions in their speculation. Too many people think this is all very sweet, or capricious, when, in fact, by tracing connections that children make between world and mind, adults can begin to talk more fully and deeply with children about the nature of the world and God. This book is a great place to start.

You might wish to supplement *Stormy Night* with *The Dead Philosophers' Café* (Notre Dame, $19.95, 166 pp., ages 11 to adult), an exchange of real letters between an eleven-year-old girl, Nora K., and the German philosopher, Vittorio Hösle. While a certain purity of questioning is lost as children develop (the girl poses her questions through an elaborately narrated scene of philosophers meeting in a café, and there is some interesting wrangling about who is controlling the story), nonetheless, in their serious play, Nora and Hösle cover a lot of ground. And they speak in strikingly religious ways. As he explains at the end, "Nora's letters show how closely religious, ethical, and general philosophical questions are interconnected in the child's consciousness...an explicit discussion of the question of God's existence and the problem of death is necessary if a young person is not to become an unreflective clod. Making such issues taboo is a crime against the child's soul."

Amen! It reflects poorly on our publishing industry that Michèle Lemieux could not find a U.S. press for *Stormy Night* (Kids Can Press is Canadian). This despite winning many prestigious prizes when the book first appeared in German, including one from a group of German Protestant churches for her contribution to the religious and philosophical life of children. Was it the sexual playfulness of a few illustrations that held publishers back, or Lemieux's candid theological interest and theological doubt?

Another book that took time to come to America is Gabrielle Vincent's wordless picture book, *a day, a dog* (Front Street, $16.95, ages 8 and up). First published in Brussels in 1982, it tells the story of a dog's abandonment in rapidly sketched pencil drawings. These minimalist sketches convey vital details and leave much for a child to question. You can see the family know what they are doing is wrong, so why do they? The dog's loneliness, fear, anger, tentative joy and relief, are all there for the child to live through. And by feeling with and through the dog, children learn not only empathy but how to have these emotions without being overwhelmed by them.

"An explicit discussion of the question of God's existence and the problem of death is necessary if a young person is not to become an unreflective clod. Making such issues taboo is a crime against the child's soul."

Lest you begin to think that all philosophy involves such heavy lifting, consider Sam Swope's hilarious picture book, *Gotta Go! Gotta Go!* (pictures by Sue Riddle, Farrar, Straus and Giroux, $12, ages 4 to 10) which my six-year-old informed me is a "book about knowledge." A caterpillar is born with an unalterable instinct to go south: "I don't know much but I know what I know. I gotta go! I gotta go! I gotta go to Mexico!" Inchoate monarch butterfly that she is, she does. There are lots of ways to enter this story: you can talk with your own young philosopher about knowledge, freedom, instinct, destiny—or you can just enjoy the beat.

Children's books which tackle big subjects—evil, death, and loneliness—do raise the question of how much is too much for the child reader, how scary is too scary. It is important that each of the stories above includes an interested adult, close enough at hand to offer reprieve. That is also the case with two fine new novels about the loss of a parent, Reynolds Price's *A Perfect Friend* (Atheneum, $16, 168 pp., ages 9 and up) and Jack Gantos's *Joey Pigza Loses Control* (Farrar, Straus and Giroux, $16, 196 pp., ages 9 and up).

The well-known Price has written his first novel for young people in *A Perfect Friend*. It tells the story of eleven-year-old Ben Barks, shattered by his mother's death, who finds little help from a father preoccupied with his own grief and constrained by masculine reticence. At night, Ben calms himself to sleep by thinking of elephants, the animal that he and his mother adored. When a circus, with one forlorn elephant, comes to Ben's small town, he and his father find their voices and their relationship. While Ben's journey to expressiveness is magical (he is assisted by the elephant tamer and two good friends), it is not instantaneous. Price stays true to the way a disappointed child reins in his instinctive hope in matters both trivial and weighty. In this sad, beautiful book, all the characters, human and animal, wish Ben well and do what they can to alleviate his burden.

That is not the case for the funny and frenetic eleven-year-old Joey Pigza, whose divorced mother finally permits a summer visit to the father he has never known. After all, the father is no longer drinking, and he appears genuinely interested in forming a relationship with his son. But the hopefulness with which Joey starts the summer rapidly devolves into confusion and fright as he tries to manage his remorseful, fetching, intemperate, hyperactive, and alcoholic

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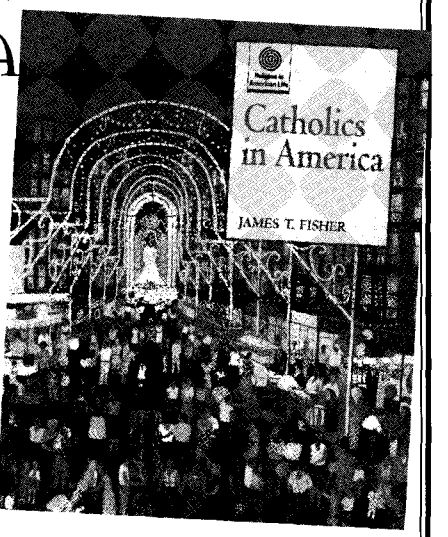
Catholics in America

JAMES T. FISHER



Catholicism has grown from a suppressed religion in the American colonies to the nation's single largest denomination. James Fisher covers more than four centuries of Catholic participation in American history and society, from an early Spanish expedition to Florida in 1528 to the Vietnam War and the abortion debate. Along the way, he fascinates us with profiles of magnetic, powerful, and even controversial personalities, including Bishop John Carroll, Mother Cabrini, Cardinal John J. O'Connor, President John F. Kennedy, activist Cesar Chavez, and author Flannery O'Connor. The perfect Confirmation or Christmas gift!

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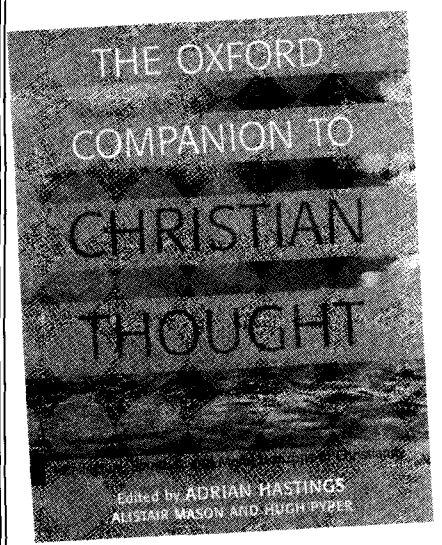

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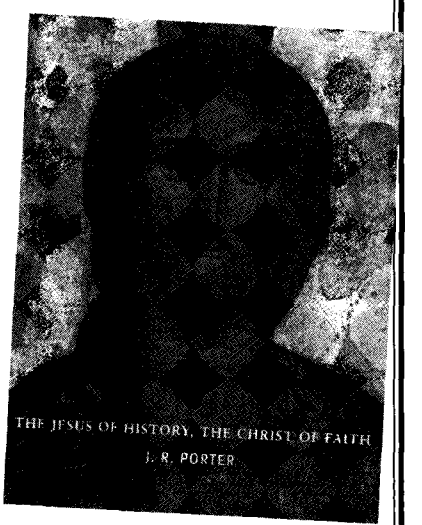

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father. It does not help that Dad has flushed all of Joey's medication for hyperactivity down the toilet. Nearby adults wait a long time before they intervene to get Joey home: His grandmother is sympathetic but takes his emergency money to buy herself cigarettes; his father's girlfriend is so smitten by Joey and the idea of having a family that it takes her a while to see trouble. Gantos really puts readers in touch with the fears of children who are bereft of responsible adults, but, even more impressive, he keeps the story from falling into the merely sociological. In Joey's adult-child personality and fetching narrative voice you will find an echo of Huck Finn, whose situation, remember, was not so different.

Weirder and lovelier still is Swedish writer Barbro Lindgren's picture book, *Andrei's Search* (R&S, $14, 28 pp., ages 4 to 7). Set in Saint Petersburg, and dedicated to Korney Chukovsky, Russia's great theorist of children's play, it too is about loss. Andrei's mother is "gone" and he is taken to an orphanage. From there, accompanied by a boy who never even knew a family, Andrei sets out to find his missing mother. Along the way, by delicate acts of imagination and play, the friends construct a habitable, caring world. When they "find" mother in that world, the gap between the real and the imaginary proves painful, at least for adults. The children to whom I have read this story, however, have met its conclusion with serenity and delight. We big people may see the imagination as a temporary stay against confusion, but little ones are fully open to the imagination's transformative power. The restrained illustrations by Eva Eriksson amplify Lindgren's compassionate narrative.

The question of God's existence, the problem of death, the power of the imagination—all these meet in *The Amber Spyglass* ($19.95, 518 pp, 12 and up), Philip Pullman's long-awaited conclusion to the *His Dark Materials* trilogy. Since *The Golden Compass* (Knopf, $10, 399 pp., ages 12 and up) appeared five years ago, I have been urging people to read it and its fellow *The Subtle Knife* (DelRey, $8, 288 pp., ages 12 and up). In these, Pullman set up an argument between the old orders of faith and the new republicanism and scientism of the Enlightenment, an argument which was violently waged, unfairly represented, and utterly gripping. Central to the outcome of this war was the action of two adolescents, Lyra and Will, who everyone but themselves understood were the new Adam and Eve, fated to restage the Fall. Adults (including Lyra's terrifying parents) aided or hunted them, knowing that their act would reconfigure Heaven, and establish a new cosmology. It was pretty heady stuff, and rumors circulated that Pullman was paralyzed with writer's block, and would never finish the third. In fact, there was no way he could satisfactorily conclude what he had undertaken, as the amazing, admirable, and disappointing *The Amber Spyglass* testifies.

Lyra and Will's fortunate fall is a two-stage affair. In the astonishing first part, they go down into the death world to find her friend, Roger, and Will's father, John Parry. Think Virgil, Homer, *Gilgamesh*, not Dante. This is a world of oblivion, not judgment and reward. Urged on by the dead, the children use the subtle knife to cut an opening back to the world. The moment each ghost steps into life, he or she diffuses into atoms which possess consciousness and can mingle with living matter. That endless procession of the hopeful dead, as well as the sacrifice and journey of the children to aid them—you won't soon forget these.

Pullman's cosmology includes something he calls "Dust," and this plays a central role in the more problematic second fall. The cosmic battle, the exploratory openings between worlds, and the new portal for the dead have caused an imbalance whereby Dust (of which the dead are one aspect) has lost its fertilizing property, and floats aimlessly across rather than toward matter. If this continues all life will wither away. Dust recovers its gravity when Lyra and Will (finally!) kiss in an edenic grove of trees. Their love restores the attraction between what we can loosely call Heaven and Earth. This is very nice indeed, and Pullman perfectly conveys the edgy beauty of adolescent awakening. Except one small thing. This second fall is set in motion by the silliest how-I-lost-my-faith story ever, told by ex-nun and Oxford physicist Mary Malone. It all began to fall apart for her while she was dining by the sea with an attractive Italian physicist...Oh, please! People lose their vocation and their marriages over sex, but their faith? I almost felt sympathy for Father Gomez, the fanatical Vatican apparatchik who is trying to shoot the new temptress/physicist before she gets her hands on those kids.

I am willing to follow Pullman a long way (I've already heard from Catholic readers who are not) in his argument against our theological inheritance. Judgment and redemption do seem more fantastical in an age of physics. Authority does seem more authoritarian after the upheavals of the last century. Theodicy daunts us more than ever. And experience in a thousand tiny ways challenges our confidence in traditional concepts of God. But to seize Heaven on the ground that it straightjackets desire, what a bore! There are other New Age banalities too, like the female witch and angel wisdom figures, and worst, the absurdly inadequate gospel they bequeath Lyra and Will: "Be kind instead of cruel, patient instead of hasty, cheerful instead of surly." In the wake of the children's horrific experiences, and in light of their required sacrificial separation, this hardly can be considered adequate.

Pullman's portraits of the Vatican and of God are apt to puzzle, and even offend, Catholics. Liberal Catholics, in particular, will wonder why Pullman discounts the bridges they have built between modernity and tradition. Mystics, whose vision of our world ablaze with God's loving presence counters Pullman's view that such radiance is possible only absent God, are also passed over. But we might remember that hyperbole has its virtues, and blasphemy is often the handmaiden of awe. This fantasy series is worth a read as a serious, exciting, and, yes, agonistic trilogy centered precisely on what Hösle says we should be talking about with our children. □

Daria Donnelly *is* Commonweal*'s associate editor.*

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Finding our voice

A Catholic Modernity?
Charles Taylor's Marianist Award Lecture with Responses
Edited and with an Introduction by James L. Heft, S.M.
Oxford University Press, $22, 130 pp.

Robert Burns

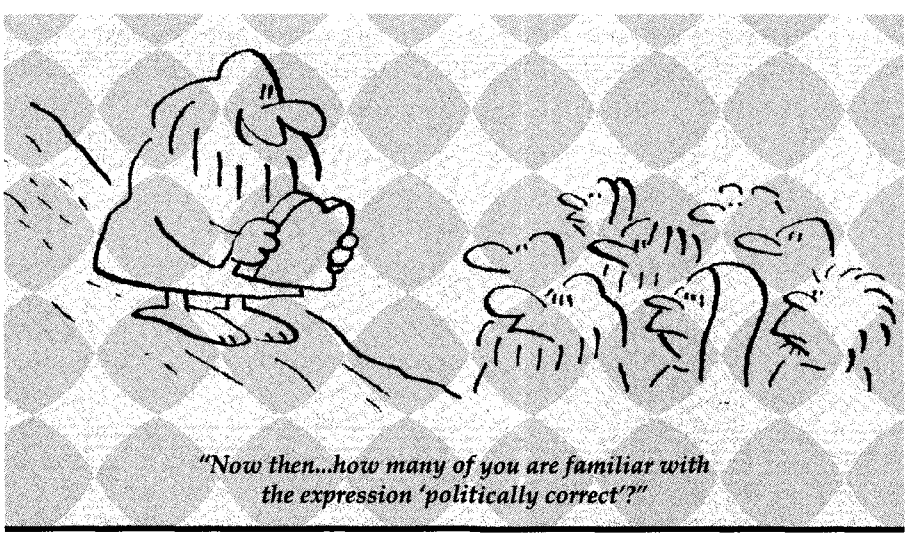
This short book contains a remarkably succinct and explicit statement of the most basic religious commitments of philosopher Charles Taylor, responses by four fellow Catholic scholars, and Taylor's concluding reflections and comments. Given Taylor's stature, and the restrained academic idiom in which he usually writes (echoing the style of analytic philosophy even while drawing on much broader and deeper sources), this alone would make the book worthy of note. However, the importance of the text is more than autobiographical.

Saul Bellow once said that the advantage of living in Chicago was that the city was so far behind the cutting edge of ideas on the coasts that by the time those ideas reached us their limitations were already obvious. Taylor may see the church's reluctance to embrace modernity fully for all these centuries as a similar good fortune, perhaps a providential one. It is a history that uniquely gives a post-Vatican II church an opportunity to distinguish between what is providential in modernity and what has proved disastrous.

Taylor's project holds out hope of a Catholicism that does not define itself in opposition to the core of modernity. God is present, says Taylor, not only in the church's past, not only in the achievements of medieval culture, and not only in the centuries of monastic spirituality that still in many ways form the sensibilities of the church's clerical leadership, but also in the distinctive achievements of the modern age, achievements that already reflect the life of God. On the other hand, he cautions, Catholics need not "go all the way with the boosters of modernity and become fellow travelers of exclusive humanism." It is essential that Catholics find their "voice from within the achievements of modernity."

As Taylor argued in his magisterial *Sources of the Self: The Making of the Modern Identity*, we all live by the goods of modernity even when we deny them. The modern world relies on a multiplicity of competing moral sources: a celebration of nature, distinctive forms of inwardness, the affirmation of ordinary life, romantic expressiveness, and a modernism that, in its higher embodiments (Rilke, Proust, Mann, Eliot, and Kafka), sought contact in the idiom of "personal resonance" with an older order of transcendence. The hope with which Taylor ended *Sources* is for a path that achieves contact with that order without a mutilation of the goods that modernity has identified and embodied, a hope he saw as implicit in "Judaeo-Christian theism (however terrible the record of its adherents in history), and more total than humans can ever achieve unaided."

The historical record does not provide a cause for optimism in the search for a dynamic engagement between Catholicism and modernity. Taylor analogizes the relationship of Catholics within modernity to that of Matteo Ricci, the Jesuit genius who attempted to discern the finger of God in Eastern beliefs and customs and to create a restatement of Catholicism that was respectful of that presence. Ricci's efforts, and those of others, occasioned the Chinese rites controversy and ultimately foundered on the shoals of Vatican politics. In Taylor's account, developed more fully in *Sources*, modernity's moral core involves the affirmation of universal human rights and the value of ordinary life, together with a dedication to reducing human suffering and cultivating human enhancement. Taylor takes these developments as authentic expressions of a gospel ethic and suggests provocatively



"Now then...how many of you are familiar with the expression 'politically correct'?"

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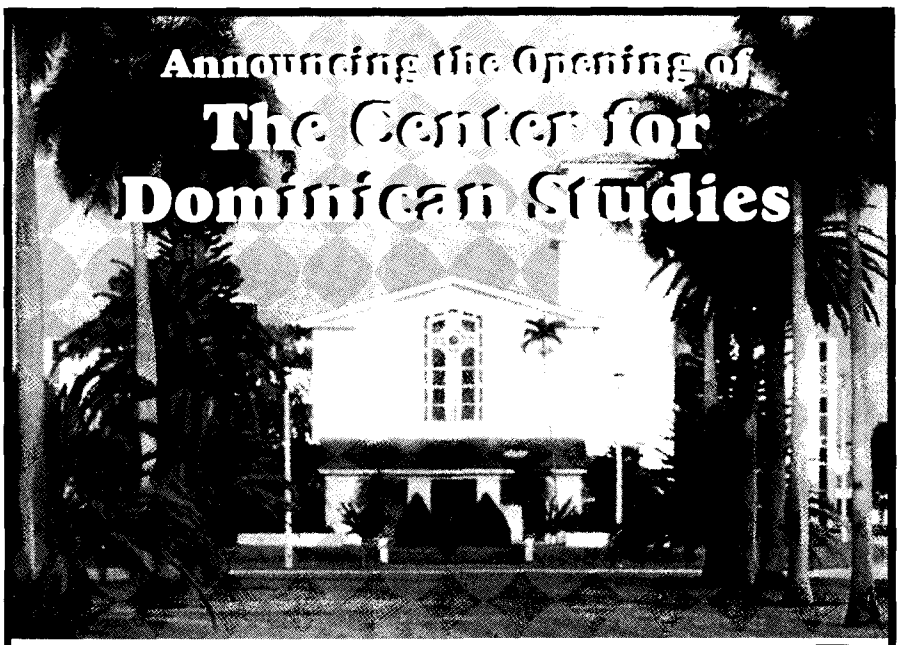
that their development required the shedding of the cultural skin of Christendom. Indeed, modern culture, in breaking with the structures and beliefs of Christendom, also carried certain facets of Christian life further than they ever could have been taken within Christendom. From this perspective, "secularization" is the appearance of the Kingdom of God in the full range of human practices and institutions (the human *saecula*), and no longer only in the church's internal life. Taylor implies, though he does not argue at length, that this vision is especially consistent with the deepest genius of Catholicism.

That is not, of course, the way many modern secularists see it, and for good historical reasons. Secular humanism is wary of religion because of what Taylor calls our "postrevolutionary situation." Just as past revolutionaries have insisted on right-speak (*citoyen* or comrade), secular humanists see any reemergence of talk about God as backsliding. Exclusive humanism argues that a transcendent horizon, "pie in the sky when you die," saps our energy for the struggle to reduce real human suffering, to save real lives, and to achieve the bit of justice of which we are concretely capable. In other words, religion threatens the highest accomplishments of modernity.

Taylor wants to contest this widely held view. He argues that a nuanced judgment will conclude that the continued vitality of secular humanism's universal ethic and emphasis on benevolence requires the "moral sources" that only an incarnational and transcendent religion can provide. "High standards need strong sources," he has written, while making a suggestion that we may be living "beyond our moral means." Here Taylor reminds us that modernity has a dark side as well. While this is the century of Amnesty International and Doctors without Borders, it is also the century of Auschwitz and Hiroshima. Taylor warns against the way the ever-increasing reach of instrumental reason squeezes out meaningful forms of human action and relation. ("We tend in our culture to stifle the spirit.") An exclusive humanism also invites an "immanent negation of life." By this Taylor means that there is a dissatisfaction, that militant secularism cannot drive away, with anything merely human. Man's natural religiousness may be an expression of the universal quality that Hegel called "negativity" (itself a theoretical restatement of Augustine's account of the restlessness of the human spirit until it rest in God). And modern culture's frustration of the religious impulse invites the contempt for ordinary life found in fascism and antihumanist thinkers like Nietzsche, Bataille, Foucault, and Derrida.

Echoing Dostoyevsky, Taylor argues that the humanitarianism and philanthropy on which the modern world prides itself are precarious. Faced with the disproportion between the vast, indeed global, demands that our knowledge of the world's woes imposes on us and the thinness of the moral sources that modernity provides, our benevolence can easily turn to disgust or indifference. That can begin with a gradual hardening of our attitude toward the human stubbornness and foolishness



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that continually frustrate philanthropic efforts to relieve suffering. The people we seek to help won't see how they are victimized, or will not give up the consolations of traditional beliefs that are clearly self-destructive. This can lead to "contempt, hatred, and aggression" toward the former objects of our concern. Or "in the register of justice rather than benevolence," as with Jacobins and Bolsheviks, the quest for justice can become a lust for revenge that places all evil outside ourselves. Exclusive humanism "leaves us with our own high sense of self-worth to keep us from backsliding, a high notion of human worth to inspire us forward, and flaming indignation against wrong and oppression to energize us"—all of which threaten to "slide into something trivial, ugly, or downright dangerous and destructive."

In short, when we are acting, even for the good, we are always in danger of identifying the good with all our subtle forms of self-aggrandizement. "Wherever action for high ideals is not tempered, controlled, and ultimately engulfed in an unconditional love of the beneficiaries, this ugly dialectic risks repetition," Taylor writes.

He goes on to argue that both Christianity and Buddhism demonstrate in the lives of their highest practitioners a necessary relationship between a form of renunciation of self that honors a value beyond life, and a person's ability to realize the "fullness of life." We have to be willing to fail, if success comes at too high a cost to "those things that man cannot change at will," as Hannah Arendt put it in discussing the moral economy in which we live and move.

Liberal toleration, founded either on agnosticism about higher goods or on pessimism concerning their realizability, seems to be contemporary humanism's highest ideal. Taylor suggests that this ideal is impossible in real life, or at least cannot be combined with the moral energy necessary to address actively the vast miseries of which it is our fate to be aware. A "stripped down secular" outlook is an available method of living with the "appalling destruction wrought in history in the name of faith," Taylor wrote in *Sources*. It is possible to live "without any religious dimension or radical hope in history" to avoid repeating that destruction. But this, too, involves a kind of "mutilation" of the spirit by "stifling the response in us to some of the deepest and most powerful spiritual aspirations that humans have conceived. This, too, is a heavy price to pay." *A Catholic Modernity?* urges us to think hard before paying that price. □

Robert Burns *is a professor of law at Northwestern University.*

CORRESPONDENCE

(Continued from page 4)

trast to my experience of the Parliament of the World's Religions meeting held in Cape Town, South Africa, almost one year ago. The embrace of the parliament's global consciousness was immensely wide and strong. It included the entire earth and all its people.

In light of such a global vision and broad embrace, parochial diatribes

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like *Dominus Iesus* are petty and irrelevant. I came away from the parliament realizing that almost all religious and spiritual traditions work hard to bring salvation and redemption to their adherents. But I also found myself wondering who brings salvation and redemption to the institutions of religious and spiritual traditions, Catholicism included? Can these organizations redeem themselves?

I don't think so.

But it occurred to me that religious and spiritual traditions can extend salvation and redemption to each other by keeping each other focused on the incredibly important task of redeeming and repairing the world. In short, by calling each other to integrity, each religious and spiritual tradition performs a great service to other traditions. Regretfully, *Dominus Iesus* cuts the institution of Roman Catholicism out of this redemptive process. Too bad.

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'THERE WILL BE A SECOND COLLECTION'

John Christie

We ushers bow before the altar, and the pastor gives us a friendly but level glance. I think of that 1936 Mae West film, *Klondike Annie*. Fleeing a murder charge and disguised as settlement worker Annie Alden, she leads a revival in rowdy gold-rush Alaska. After the hymn she gives the seedy ushers an astute once-over, then picks two one-armed men for the collection. Our pastor is more trusting.

I piston the basket across laps and necks and it elicits a smile or two, especially from children. But more often its reward is sighs, groans, and body shifts, the annoyance of the faithful that the basket dims the afterglow of a good homily, strong-arms them into charity. I empathize. I'll be vexed if I make it to the City of God only to find it thriving on a baksheesh economy.

Quirks of giving lighten the task. Single dollar bills land in the basket thrice folded, like green sticks of Wrigleys. Fives, tens, and better, alight as flat as magic carpets. Sometimes I startle somebody still thumbing a wallet for that elusive single from among grander denominations.

The basket routine and I represent where the church stands in securing money for worldly ends and demands. Early Christians, under the charming proto-Marxism described in Acts 4:32–36, managed money and property communally. The medieval *decimae*, or obligation of a tenth of one's annual income, was also risky to dodge: Gregory VII deemed holdouts sacrilegious and implicitly damned. Before the end of the Civil War, American Catholics paid ushers at the church door a dime each to enter for Mass or devotions. An aghast Sacred Congregation for the Propaganda halted that in an 1869 letter to the U.S. bishops.

Christ assured Peter that the gates of hell won't prevail against his church, but today high water can prevail against pastors as extortionate February heating bills, the salaries of teachers and gravediggers, a new church roof, the plight of the poor. Seemingly, there's no way around the regular collection.

Is it an embarassment or an opportunity? That's the question bedeviling the fictional pastors of J.F. Powers's *Wheat That Springeth Green*. One banishes it from Mass via a single annual family donation of five hundred dollars (in 1968) for pew rental, school tuition, and Peter's Pence. His gambit owes to a memory that shreds him in alcoholic middle age, of when he and a fellow seminary graduate from the same home parish jointly celebrated their first Masses and how their pastor, Father William Stock—locally derided as Dollar Bill—sprang a surprise second collection and announced that they would be taking it up.

Once we ushers finish, we empty our baskets into a blue Wal-Mart container by the vestibule door, and the chief usher locks it up until the pastor, and only the pastor, fetches it. Meanwhile, we retrace our steps to our pews, garnering more benign looks than we had elicited while collecting.

I doubt that many contemplate the collection as carefully as the aftermath of receiving Communion. The collection is simply over; the Eucharist is sacramental. Yet, my weekly ushering has helped me hear a sacramental overtone, aside from the inarguable moral impetus toward charity. The collection offers a moment of transcendence, a time to assert publicly where money actually ranks, and to put ourselves on the line about it. Whether we come across with little or much, the mere gesture can be a spiritually lightening experience.

Often I wonder how our parish would get money had Rome never hit the U.S. bishops with that 1869 letter. I dislike seeing myself and my fellows sliding plastic through sensors in the vestibule. The scene isn't implausible: in 1992, Bishop William E. McManus, retired bishop of Fort Wayne-South Bend, openly advocated a credit-card debit system. I relish even less the parish going online for collections—ushers and baskets once and for all exiled. Again, we just have to be there physically to part with that money, set *spiritus mundi* in its place, in peace let it go and in the bargain do tangible good. Back in 1958 my English teacher, Sister M. Bernardine, I.H.M., had us memorize pertinent stanzas about alms from James Russell Lowell's *Vision of Sir Launfal*; several lines remain embedded in my gray matter, especially the ones about selfless charity feeding Christ unawares, hungering neighbors; more so, that the gift without the giver is bare. □

John Christie *teaches English at Indiana State University.*

"It's not that I want to take it with me—it's just that I hate to leave it here."

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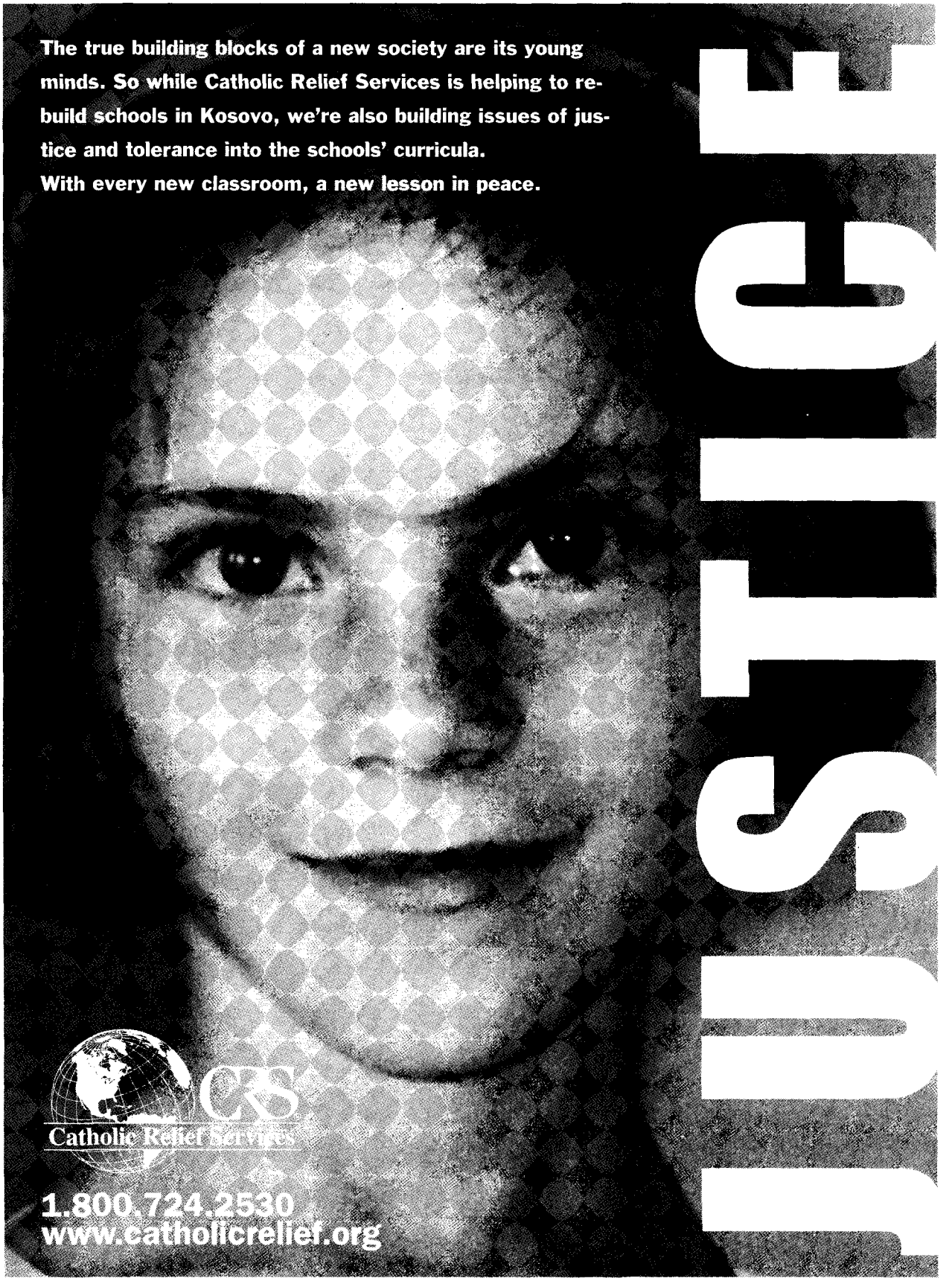
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